

Union Calendar No. 380

108TH CONGRESS
2^D SESSION

H. R. 5006

[Report No. 108-636]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2004

Mr. REGULA, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending
2 September 30, 2005, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR
4 EMPLOYMENT AND TRAINING ADMINISTRATION
5 TRAINING AND EMPLOYMENT SERVICES
6 (INCLUDING RESCISSION)

7 For necessary expenses of the Workforce Investment
8 Act of 1998, including the purchase and hire of passenger
9 motor vehicles, the construction, alteration, and repair of
10 buildings and other facilities, and the purchase of real
11 property for training centers as authorized by such Act,
12 \$2,649,728,000 plus reimbursements; of which
13 \$1,642,442,000 is available for obligation for the period
14 July 1, 2005, through June 30, 2006, except that
15 amounts determined by the Secretary of Labor to be nec-
16 essary pursuant to sections 173(a)(4)(A) and 174(c) of
17 such Act shall be available from October 1, 2004, until
18 expended; of which \$1,000,965,000 is available for obliga-
19 tion for the period April 1, 2005, through June 30, 2006,
20 to carry out chapter 4 of such Act; and of which
21 \$6,321,000 is available for the period July 1, 2005,
22 through June 30, 2008, for necessary expenses of con-
23 struction, rehabilitation, and acquisition of Job Corps cen-
24 ters: *Provided*, That notwithstanding any other provision
25 of law, of the funds provided herein under section 137(c)

1 of such Act, \$301,227,000 shall be for activities described
2 in section 132(a)(2)(A) of such Act, and \$1,178,192,000
3 shall be for activities described in section 132(a)(2)(B) of
4 such Act: *Provided further*, That \$8,000,000 shall be for
5 carrying out section 172 of such Act: *Provided further*,
6 That, notwithstanding any other provision of law or re-
7 lated regulation, \$76,874,000 shall be for carrying out
8 section 167 of such Act, including \$71,787,000 for for-
9 mula grants, \$4,583,000 for migrant and seasonal hous-
10 ing (of which not less than 70 percent shall be for perma-
11 nent housing), and \$504,000 for other discretionary pur-
12 poses: *Provided further*, That notwithstanding the transfer
13 limitation under section 133(b)(4) of such Act, up to 30
14 percent of such funds may be transferred by a local board
15 if approved by the Governor: *Provided further*, That funds
16 provided to carry out section 171(d) of such Act may be
17 used for demonstration projects that provide assistance to
18 new entrants in the workforce and incumbent workers:
19 *Provided further*, That no funds from any other appropria-
20 tion shall be used to provide meal services at or for Job
21 Corps centers.

22 For necessary expenses of the Workforce Investment
23 Act of 1998, including the purchase and hire of passenger
24 motor vehicles, the construction, alteration, and repair of
25 buildings and other facilities, and the purchase of real

1 107–210), \$1,057,300,000, together with such amounts as
2 may be necessary to be charged to the subsequent appro-
3 priation for payments for any period subsequent to Sep-
4 tember 15 of the current year.

5 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
6 SERVICE OPERATIONS

7 For authorized administrative expenses,
8 \$141,934,000, together with not to exceed
9 \$3,440,914,000 (including not to exceed \$1,228,000
10 which may be used for amortization payments to States
11 which had independent retirement plans in their State em-
12 ployment service agencies prior to 1980), which may be
13 expended from the Employment Security Administration
14 Account in the Unemployment Trust Fund including the
15 cost of administering section 51 of the Internal Revenue
16 Code of 1986, as amended, section 7(d) of the Wagner-
17 Peyser Act, as amended, the Trade Act of 1974, as
18 amended, the Immigration Act of 1990, and the Immigra-
19 tion and Nationality Act, as amended, and of which the
20 sums available in the allocation for activities authorized
21 by title III of the Social Security Act, as amended (42
22 U.S.C. 502–504), and the sums available in the allocation
23 for necessary administrative expenses for carrying out 5
24 U.S.C. 8501–8523, shall be available for obligation by the
25 States through December 31, 2005, except that funds

1 used for automation acquisitions shall be available for obli-
2 gation by the States through September 30, 2007; of
3 which \$141,934,000, together with not to exceed
4 \$672,700,000 of the amount which may be expended from
5 said trust fund, shall be available for obligation for the
6 period July 1, 2005, through June 30, 2006, to fund ac-
7 tivities under the Act of June 6, 1933, as amended, in-
8 cluding the cost of penalty mail authorized under 39
9 U.S.C. 3202(a)(1)(E) made available to States in lieu of
10 allotments for such purpose: *Provided*, That to the extent
11 that the Average Weekly Insured Unemployment (AWIU)
12 for fiscal year 2005 is projected by the Department of
13 Labor to exceed 3,327,000, an additional \$28,600,000
14 shall be available for obligation for every 100,000 increase
15 in the AWIU level (including a pro rata amount for any
16 increment less than 100,000) from the Employment Secu-
17 rity Administration Account of the Unemployment Trust
18 Fund: *Provided further*, That funds appropriated in this
19 Act which are used to establish a national one-stop career
20 center system, or which are used to support the national
21 activities of the Federal-State unemployment insurance or
22 immigration programs, may be obligated in contracts,
23 grants or agreements with non-State entities: *Provided*
24 *further*, That funds appropriated under this Act for activi-
25 ties authorized under the Wagner-Peyser Act, as amended,

1 and title III of the Social Security Act, may be used by
2 the States to fund integrated Employment Service and
3 Unemployment Insurance automation efforts, notwith-
4 standing cost allocation principles prescribed under Office
5 of Management and Budget Circular A-87.

6 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
7 OTHER FUNDS

8 For repayable advances to the Unemployment Trust
9 Fund as authorized by sections 905(d) and 1203 of the
10 Social Security Act, as amended, and to the Black Lung
11 Disability Trust Fund as authorized by section 9501(e)(1)
12 of the Internal Revenue Code of 1954, as amended; and
13 for nonrepayable advances to the Unemployment Trust
14 Fund as authorized by section 8509 of title 5, United
15 States Code, and to the “Federal unemployment benefits
16 and allowances” account, to remain available until Sep-
17 tember 30, 2006, \$517,000,000.

18 In addition, for making repayable advances to the
19 Black Lung Disability Trust Fund in the current fiscal
20 year after September 15, 2005, for costs incurred by the
21 Black Lung Disability Trust Fund in the current fiscal
22 year, such sums as may be necessary.

23 PROGRAM ADMINISTRATION

24 For expenses of administering employment and train-
25 ing programs, \$111,375,000, together with not to exceed

1 and the Committees on Appropriations of the House and
2 Senate.

3 EMPLOYMENT STANDARDS ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Employment Stand-
6 ards Administration, including reimbursement to State,
7 Federal, and local agencies and their employees for inspec-
8 tion services rendered, \$400,797,000, together with
9 \$2,021,000 which may be expended from the Special Fund
10 in accordance with sections 39(c), 44(d) and 44(j) of the
11 Longshore and Harbor Workers' Compensation Act: *Pro-*
12 *vided*, That \$1,250,000 shall be for the development of
13 an alternative system for the electronic submission of re-
14 ports required to be filed under the Labor-Management
15 Reporting and Disclosure Act of 1959, as amended, and
16 for a computer database of the information for each sub-
17 mission by whatever means, that is indexed and easily
18 searchable by the public via the Internet: *Provided further*,
19 That the Secretary of Labor is authorized to accept, re-
20 tain, and spend, until expended, in the name of the De-
21 partment of Labor, all sums of money ordered to be paid
22 to the Secretary of Labor, in accordance with the terms
23 of the Consent Judgment in Civil Action No. 91-0027 of
24 the United States District Court for the District of the
25 Northern Mariana Islands (May 21, 1992): *Provided fur-*

1 *ther*, That the Secretary of Labor is authorized to estab-
2 lish and, in accordance with 31 U.S.C. 3302, collect and
3 deposit in the Treasury fees for processing applications
4 and issuing certificates under sections 11(d) and 14 of the
5 Fair Labor Standards Act of 1938, as amended (29
6 U.S.C. 211(d) and 214) and for processing applications
7 and issuing registrations under title I of the Migrant and
8 Seasonal Agricultural Worker Protection Act (29 U.S.C.
9 1801 et seq.).

10 SPECIAL BENEFITS

11 (INCLUDING TRANSFER OF FUNDS)

12 For the payment of compensation, benefits, and ex-
13 penses (except administrative expenses) accruing during
14 the current or any prior fiscal year authorized by title 5,
15 chapter 81 of the United States Code; continuation of ben-
16 efits as provided for under the heading “Civilian War Ben-
17 efits” in the Federal Security Agency Appropriation Act,
18 1947; the Employees’ Compensation Commission Appro-
19 priation Act, 1944; sections 4(c) and 5(f) of the War
20 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
21 cent of the additional compensation and benefits required
22 by section 10(h) of the Longshore and Harbor Workers’
23 Compensation Act, as amended, \$233,000,000, together
24 with such amounts as may be necessary to be charged to
25 the subsequent year appropriation for the payment of

1 compensation and other benefits for any period subse-
2 quent to August 15 of the current year: *Provided*, That
3 amounts appropriated may be used under section 8104 of
4 title 5, United States Code, by the Secretary of Labor to
5 reimburse an employer, who is not the employer at the
6 time of injury, for portions of the salary of a reemployed,
7 disabled beneficiary: *Provided further*, That balances of re-
8 imbursements unobligated on September 30, 2004, shall
9 remain available until expended for the payment of com-
10 pensation, benefits, and expenses: *Provided further*, That
11 in addition there shall be transferred to this appropriation
12 from the Postal Service and from any other corporation
13 or instrumentality required under section 8147(c) of title
14 5, United States Code, to pay an amount for its fair share
15 of the cost of administration, such sums as the Secretary
16 determines to be the cost of administration for employees
17 of such fair share entities through September 30, 2005:
18 *Provided further*, That of those funds transferred to this
19 account from the fair share entities to pay the cost of ad-
20 ministration of the Federal Employees' Compensation Act,
21 \$39,668,000 shall be made available to the Secretary as
22 follows:

- 23 (1) for enhancement and maintenance of auto-
24 mated data processing systems and telecommuni-
25 cations systems, \$12,351,000;

1 (2) for automated workload processing oper-
2 ations, including document imaging, centralized mail
3 intake and medical bill processing, \$14,221,000;

4 (3) for periodic roll management and medical
5 review, \$13,096,000; and

6 (4) the remaining funds shall be paid into the
7 Treasury as miscellaneous receipts:

8 *Provided further*, That the Secretary may require that any
9 person filing a notice of injury or a claim for benefits
10 under chapter 81 of title 5, United States Code, or 33
11 U.S.C. 901 et seq., provide as part of such notice and
12 claim, such identifying information (including Social Secu-
13 rity account number) as such regulations may prescribe.

14 SPECIAL BENEFITS FOR DISABLED COAL MINERS

15 For carrying out title IV of the Federal Mine Safety
16 and Health Act of 1977, as amended by Public Law 107–
17 275, (the “Act”), \$276,000,000, to remain available until
18 expended.

19 For making after July 31 of the current fiscal year,
20 benefit payments to individuals under title IV of the Act,
21 for costs incurred in the current fiscal year, such amounts
22 as may be necessary.

23 For making benefit payments under title IV for the
24 first quarter of fiscal year 2006, \$81,000,000, to remain
25 available until expended.

1 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES
2 OCCUPATIONAL ILLNESS COMPENSATION FUND
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to administer the Energy
5 Employees Occupational Illness Compensation Act,
6 \$40,821,000, to remain available until expended: *Pro-*
7 *vided*, That the Secretary of Labor is authorized to trans-
8 fer to any executive agency with authority under the En-
9 ergy Employees Occupational Illness Compensation Act,
10 including within the Department of Labor, such sums as
11 may be necessary in fiscal year 2005 to carry out those
12 authorities: *Provided further*, That the Secretary may re-
13 quire that any person filing a claim for benefits under the
14 Act provide as part of such claim, such identifying infor-
15 mation (including Social Security account number) as may
16 be prescribed.

17 BLACK LUNG DISABILITY TRUST FUND
18 (INCLUDING TRANSFER OF FUNDS)

19 In fiscal year 2005 and thereafter, such sums as may
20 be necessary from the Black Lung Disability Trust Fund,
21 to remain available until expended, for payment of all ben-
22 efits authorized by section 9501(d)(1), (2), (4), and (7)
23 of the Internal Revenue Code of 1954, as amended; and
24 interest on advances, as authorized by section 9501(e)(2)
25 of that Act. In addition, the following amounts shall be
26 available from the Fund for fiscal year 2005 for expenses

1 of operation and administration of the Black Lung Bene-
2 fits program, as authorized by section 9501(d)(5):
3 \$32,646,000 for transfer to the Employment Standards
4 Administration, “Salaries and Expenses”; \$23,705,000
5 for transfer to Departmental Management, “Salaries and
6 Expenses”; \$342,000 for transfer to Departmental Man-
7 agement, “Office of Inspector General”; and \$356,000 for
8 payments into miscellaneous receipts for the expenses of
9 the Department of the Treasury.

10 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses for the Occupational Safety
13 and Health Administration, \$461,599,000, including not
14 to exceed \$91,747,000 which shall be the maximum
15 amount available for grants to States under section 23(g)
16 of the Occupational Safety and Health Act (the “Act”),
17 which grants shall be no less than 50 percent of the costs
18 of State occupational safety and health programs required
19 to be incurred under plans approved by the Secretary
20 under section 18 of the Act; and, in addition, notwith-
21 standing 31 U.S.C. 3302, the Occupational Safety and
22 Health Administration may retain up to \$750,000 per fis-
23 cal year of training institute course tuition fees, otherwise
24 authorized by law to be collected, and may utilize such
25 sums for occupational safety and health training and edu-

1 cation grants: *Provided*, That, notwithstanding 31 U.S.C.
2 3302, the Secretary of Labor is authorized, during the fis-
3 cal year ending September 30, 2005, to collect and retain
4 fees for services provided to Nationally Recognized Test-
5 ing Laboratories, and may utilize such sums, in accord-
6 ance with the provisions of 29 U.S.C. 9a, to administer
7 national and international laboratory recognition pro-
8 grams that ensure the safety of equipment and products
9 used by workers in the workplace: *Provided further*, That
10 none of the funds appropriated under this paragraph shall
11 be obligated or expended to prescribe, issue, administer,
12 or enforce any standard, rule, regulation, or order under
13 the Act which is applicable to any person who is engaged
14 in a farming operation which does not maintain a tem-
15 porary labor camp and employs 10 or fewer employees:
16 *Provided further*, That no funds appropriated under this
17 paragraph shall be obligated or expended to administer or
18 enforce any standard, rule, regulation, or order under the
19 Act with respect to any employer of 10 or fewer employees
20 who is included within a category having a Days Away,
21 Restricted, or Transferred (DART) occupational injury
22 and illness rate, at the most precise industrial classifica-
23 tion code for which such data are published, less than the
24 national average rate as such rates are most recently pub-
25 lished by the Secretary, acting through the Bureau of

1 Labor Statistics, in accordance with section 24 of that Act
2 (29 U.S.C. 673), except—

3 (1) to provide, as authorized by such Act, con-
4 sultation, technical assistance, educational and train-
5 ing services, and to conduct surveys and studies;

6 (2) to conduct an inspection or investigation in
7 response to an employee complaint, to issue a cita-
8 tion for violations found during such inspection, and
9 to assess a penalty for violations which are not cor-
10 rected within a reasonable abatement period and for
11 any willful violations found;

12 (3) to take any action authorized by such Act
13 with respect to imminent dangers;

14 (4) to take any action authorized by such Act
15 with respect to health hazards;

16 (5) to take any action authorized by such Act
17 with respect to a report of an employment accident
18 which is fatal to one or more employees or which re-
19 sults in hospitalization of two or more employees,
20 and to take any action pursuant to such investiga-
21 tion authorized by such Act; and

22 (6) to take any action authorized by such Act
23 with respect to complaints of discrimination against
24 employees for exercising rights under such Act:

1 *Provided further*, That the foregoing proviso shall not
2 apply to any person who is engaged in a farming operation
3 which does not maintain a temporary labor camp and em-
4 ploys 10 or fewer employees: *Provided further*, That none
5 of the funds appropriated under this paragraph shall be
6 obligated or expended to administer or enforce the provi-
7 sions of 29 CFR 1910.134(f)(2) (General Industry Res-
8 piratory Protection Standard) to the extent that such pro-
9 visions require the annual fit testing (after the initial fit
10 testing) of respirators for occupational exposure to tuber-
11 culosis.

12 MINE SAFETY AND HEALTH ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Mine Safety and
15 Health Administration, \$275,567,000, including purchase
16 and bestowal of certificates and trophies in connection
17 with mine rescue and first-aid work, and the hire of pas-
18 senger motor vehicles; in addition, not to exceed \$750,000
19 may be collected by the National Mine Health and Safety
20 Academy for room, board, tuition, and the sale of training
21 materials, otherwise authorized by law to be collected, to
22 be available for mine safety and health education and
23 training activities, notwithstanding 31 U.S.C. 3302; and,
24 in addition, the Mine Safety and Health Administration
25 may retain up to \$1,000,000 from fees collected for the

1 approval and certification of equipment, materials, and ex-
2 plosives for use in mines, and may utilize such sums for
3 such activities; the Secretary is authorized to accept lands,
4 buildings, equipment, and other contributions from public
5 and private sources and to prosecute projects in coopera-
6 tion with other agencies, Federal, State, or private; the
7 Mine Safety and Health Administration is authorized to
8 promote health and safety education and training in the
9 mining community through cooperative programs with
10 States, industry, and safety associations; and any funds
11 available to the department may be used, with the ap-
12 proval of the Secretary, to provide for the costs of mine
13 rescue and survival operations in the event of a major dis-
14 aster.

15 BUREAU OF LABOR STATISTICS

16 SALARIES AND EXPENSES

17 For necessary expenses for the Bureau of Labor Sta-
18 tistics, including advances or reimbursements to State,
19 Federal, and local agencies and their employees for serv-
20 ices rendered, \$455,045,000, together with not to exceed
21 \$78,473,000, which may be expended from the Employ-
22 ment Security Administration Account in the Unemploy-
23 ment Trust Fund.

1 OFFICE OF DISABILITY EMPLOYMENT POLICY

2 SALARIES AND EXPENSES

3 For necessary expenses for the Office of Disability
4 Employment Policy to provide leadership, develop policy
5 and initiatives, and award grants furthering the objective
6 of eliminating barriers to the training and employment of
7 people with disabilities, \$47,555,000.

8 DEPARTMENTAL MANAGEMENT

9 SALARIES AND EXPENSES

10 For necessary expenses for Departmental Manage-
11 ment, including the hire of three sedans, and including
12 the management or operation, through contracts, grants
13 or other arrangements of Departmental activities con-
14 ducted by or through the Bureau of International Labor
15 Affairs, including bilateral and multilateral technical as-
16 sistance and other international labor activities,
17 \$264,653,000, of which, \$7,000,000 to remain available
18 until September 30, 2006, is for Frances Perkins Building
19 Security enhancements, and \$30,000,000 is for the acqui-
20 sition of Departmental information technology, architec-
21 ture, infrastructure, equipment, software, and related
22 needs, which will be allocated by the Department's Chief
23 Information Officer in accordance with the Department's
24 capital investment management process to assure a sound
25 investment strategy, together with not to exceed

1 \$314,000, which may be expended from the Employment
2 Security Administration Account in the Unemployment
3 Trust Fund: *Provided*, That no funds made available by
4 this Act may be used by the Solicitor of Labor to partici-
5 pate in a review in any United States court of appeals
6 of any decision made by the Benefits Review Board under
7 section 21 of the Longshore and Harbor Workers' Com-
8 pensation Act (33 U.S.C. 921) where such participation
9 is precluded by the decision of the United States Supreme
10 Court in Director, Office of Workers' Compensation Pro-
11 grams v. Newport News Shipbuilding, 115 S. Ct. 1278
12 (1995), notwithstanding any provisions to the contrary
13 contained in Rule 15 of the Federal Rules of Appellate
14 Procedure: *Provided further*, That no funds made available
15 by this Act may be used by the Secretary of Labor to re-
16 view a decision under the Longshore and Harbor Workers'
17 Compensation Act (33 U.S.C. 901 et seq.) that has been
18 appealed and that has been pending before the Benefits
19 Review Board for more than 12 months: *Provided further*,
20 That any such decision pending a review by the Benefits
21 Review Board for more than 1 year shall be considered
22 affirmed by the Benefits Review Board on the 1-year anni-
23 versary of the filing of the appeal, and shall be considered
24 the final order of the Board for purposes of obtaining a
25 review in the United States courts of appeals: *Provided*

1 *further*, That these provisions shall not be applicable to
2 the review or appeal of any decision issued under the
3 Black Lung Benefits Act (30 U.S.C. 901 et seq.).

4 VETERANS EMPLOYMENT AND TRAINING

5 Not to exceed \$194,098,000 may be derived from the
6 Employment Security Administration Account in the Un-
7 employment Trust Fund to carry out the provisions of 38
8 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and
9 Public Law 103–353, and which shall be available for obli-
10 gation by the States through December 31, 2005, of which
11 \$2,000,000 is for the National Veterans’ Employment and
12 Training Services Institute. To carry out the Homeless
13 Veterans Reintegration Programs (38 U.S.C. 2021) and
14 the Veterans Workforce Investment Programs (29 U.S.C.
15 2913), \$26,550,000 of which \$7,550,000 shall be available
16 for obligation for the period July 1, 2005, through June
17 30, 2006.

18 OFFICE OF INSPECTOR GENERAL

19 For salaries and expenses of the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, as amended, \$64,029,000, together
22 with not to exceed \$5,561,000, which may be expended
23 from the Employment Security Administration Account in
24 the Unemployment Trust Fund.

1 WORKING CAPITAL FUND

2 For the acquisition of a new core accounting system
3 for the Department of Labor, including hardware and
4 software infrastructure and the costs associated with im-
5 plementation thereof, \$10,000,000.

6 GENERAL PROVISIONS

7 SEC. 101. None of the funds appropriated in this title
8 for the Job Corps shall be used to pay the compensation
9 of an individual, either as direct costs or any proration
10 as an indirect cost, at a rate in excess of Executive Level
11 II.

12 (TRANSFER OF FUNDS)

13 SEC. 102. Not to exceed 1 percent of any discre-
14 tionary funds (pursuant to the Balanced Budget and
15 Emergency Deficit Control Act of 1985, as amended)
16 which are appropriated for the current fiscal year for the
17 Department of Labor in this Act may be transferred be-
18 tween appropriations, but no such appropriation shall be
19 increased by more than 3 percent by any such transfer:
20 *Provided*, That the Appropriations Committees of both
21 Houses of Congress are notified at least 15 days in ad-
22 vance of any transfer.

23 SEC. 103. Not later than 30 days after the date of
24 enactment of this Act, the Secretary of Labor shall issue
25 a monthly transit subsidy of not less than the amount each
26 of its employees of the National Capital Region is eligible

1 to receive, not to exceed a maximum of \$100, as directed
2 by Executive Order 13150.

3 This title may be cited as the “Department of Labor
4 Appropriations Act, 2005”.

5 TITLE II—DEPARTMENT OF HEALTH AND
6 HUMAN SERVICES

7 HEALTH RESOURCES AND SERVICES ADMINISTRATION

8 HEALTH RESOURCES AND SERVICES

9 For carrying out titles II, III, IV, VII, VIII, X, XII,
10 XIX, and XXVI of the Public Health Service Act, section
11 427(a) of the Federal Coal Mine Health and Safety Act,
12 title V and sections 1128E, 711 and 1820 of the Social
13 Security Act, the Health Care Quality Improvement Act
14 of 1986, as amended, the Native Hawaiian Health Care
15 Act of 1988, as amended, the Cardiac Arrest Survival Act
16 of 2000, and the Poison Control Center Enhancement and
17 Awareness Act, \$6,305,333,000, of which \$32,500,000
18 from general revenues, notwithstanding section 1820(j) of
19 the Social Security Act, shall be available for carrying out
20 the Medicare rural hospital flexibility grants program
21 under section 1820 of such Act: *Provided*, That of the
22 funds made available under this heading, \$250,000 shall
23 be available until expended for facilities renovations at the
24 Gillis W. Long Hansen’s Disease Center: *Provided further*,
25 That in addition to fees authorized by section 427(b) of

1 the Health Care Quality Improvement Act of 1986, fees
2 shall be collected for the full disclosure of information
3 under the Act sufficient to recover the full costs of oper-
4 ating the National Practitioner Data Bank, and shall re-
5 main available until expended to carry out that Act: *Pro-*
6 *vided further*, That fees collected for the full disclosure of
7 information under the “Health Care Fraud and Abuse
8 Data Collection Program”, authorized by section
9 1128E(d)(2) of the Social Security Act, shall be sufficient
10 to recover the full costs of operating the program, and
11 shall remain available until expended to carry out that
12 Act: *Provided further*, That no more than \$45,000,000 to
13 remain available until expended is available for carrying
14 out the provisions of Public Law 104–73: *Provided further*,
15 That of the funds made available under this heading,
16 \$278,283,000 shall be for the program under title X of
17 the Public Health Service Act to provide for voluntary
18 family planning projects: *Provided further*, That amounts
19 provided to said projects under such title shall not be ex-
20 pended for abortions, that all pregnancy counseling shall
21 be nondirective, and that such amounts shall not be ex-
22 pended for any activity (including the publication or dis-
23 tribution of literature) that in any way tends to promote
24 public support or opposition to any legislative proposal or
25 candidate for public office: *Provided further*, That

1 \$803,872,000 shall be for State AIDS Drug Assistance
2 Programs authorized by section 2616 of the Public Health
3 Service Act: *Provided further*, That in addition to amounts
4 provided herein, \$25,000,000 shall be available from
5 amounts available under section 241 of the Public Health
6 Service Act to carry out Parts A, B, C, and D of title
7 XXVI of the Public Health Service Act to fund section
8 2691 Special Projects of National Significance: *Provided*
9 *further*, That notwithstanding section 502(a)(1) of the So-
10 cial Security Act, not to exceed \$119,158,000 is available
11 for carrying out special projects of regional and national
12 significance pursuant to section 501(a)(2) of such Act.

13 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

14 ACCOUNT

15 Such sums as may be necessary to carry out the pur-
16 pose of the program, as authorized by title VII of the Pub-
17 lic Health Service Act, as amended. For administrative ex-
18 penses to carry out the guaranteed loan program, includ-
19 ing section 709 of the Public Health Service Act,
20 \$3,270,000.

21 VACCINE INJURY COMPENSATION PROGRAM TRUST

22 FUND

23 For payments from the Vaccine Injury Compensation
24 Program Trust Fund, such sums as may be necessary for
25 claims associated with vaccine-related injury or death with

1 respect to vaccines administered after September 30,
2 1988, pursuant to subtitle 2 of title XXI of the Public
3 Health Service Act, to remain available until expended:
4 *Provided*, That for necessary administrative expenses, not
5 to exceed \$3,176,000 shall be available from the Trust
6 Fund to the Secretary of Health and Human Services.

7 CENTERS FOR DISEASE CONTROL AND PREVENTION

8 DISEASE CONTROL, RESEARCH, AND TRAINING

9 To carry out titles II, III, VII, XI, XV, XVII, XIX,
10 XXI, and XXVI of the Public Health Service Act, sections
11 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal
12 Mine Safety and Health Act of 1977, sections 20, 21, and
13 22 of the Occupational Safety and Health Act of 1970,
14 title IV of the Immigration and Nationality Act, and sec-
15 tion 501 of the Refugee Education Assistance Act of 1980;
16 including purchase and insurance of official motor vehicles
17 in foreign countries; and purchase, hire, maintenance, and
18 operation of aircraft, \$4,228,778,000, of which
19 \$81,500,000 shall remain available until expended for
20 equipment, and construction and renovation of facilities,
21 and of which \$142,808,000 for international HIV/AIDS
22 shall remain available until September 30, 2006. In addi-
23 tion, such sums as may be derived from authorized user
24 fees, which shall be credited to this account: *Provided*,
25 That in addition to amounts provided herein, the following

1 amounts shall be available from amounts available under
2 section 241 of the Public Health Service Act:

3 (1) \$14,000,000 to carry out the National Im-
4 munization Surveys;

5 (2) \$149,600,000 to carry out the National
6 Center for Health Statistics surveys;

7 (3) \$28,600,000 to carry out information sys-
8 tems standards development and architecture and
9 applications-based research used at local public
10 health levels;

11 (4) \$15,000,000 to carry out Public Health Re-
12 search; and

13 (5) \$41,900,000 to carry out Research Tools
14 and Approaches activities within the National Occu-
15 pational Research Agenda:

16 *Provided further*, That none of the funds made available
17 for injury prevention and control at the Centers for Dis-
18 ease Control and Prevention may be used, in whole or in
19 part, to advocate or promote gun control: *Provided further*,
20 That the Director may redirect the total amount made
21 available under authority of Public Law 101–502, section
22 3, dated November 3, 1990, to activities the Director may
23 so designate: *Provided further*, That the Congress is to be
24 notified promptly of any such transfer: *Provided further*,
25 That not to exceed \$12,500,000 may be available for mak-

1 ing grants under section 1509 of the Public Health Service
2 Act to not more than 15 States, tribes, or tribal organiza-
3 tions: *Provided further*, That without regard to existing
4 statute, funds appropriated may be used to proceed, at
5 the discretion of the Centers for Disease Control and Pre-
6 vention, with property acquisition, including a long-term
7 ground lease for construction on non-Federal land, to sup-
8 port the construction of a replacement laboratory in the
9 Fort Collins, Colorado area: *Provided further*, That not-
10 withstanding any other provision of law, a single contract
11 or related contracts for development and construction of
12 facilities may be employed which collectively include the
13 full scope of the project: *Provided further*, That the solici-
14 tation and contract shall contain the clause “availability
15 of funds” found at 48 CFR 52.232–18.

16 NATIONAL INSTITUTES OF HEALTH

17 NATIONAL CANCER INSTITUTE

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to cancer,
20 \$4,870,025,000, of which up to \$8,000,000 may be used
21 for facilities repairs and improvements at the NCI-Fred-
22 erick Federally Funded Research and Development Center
23 in Frederick Maryland.

1 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to cardiovascular, lung,
4 and blood diseases, and blood and blood products,
5 \$2,963,953,000.

6 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
7 RESEARCH

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to dental disease,
10 \$394,080,000.

11 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE
12 AND KIDNEY DISEASES

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to diabetes and diges-
15 tive and kidney disease, \$1,726,196,000.

16 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
17 AND STROKE

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to neurological dis-
20 orders and stroke, \$1,545,623,000.

21 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
22 DISEASES

23 (INCLUDING TRANSFER OF FUNDS)

24 For carrying out section 301 and title IV of the Pub-
25 lic Health Service Act with respect to allergy and infec-

1 tious diseases, \$4,440,007,000: *Provided*, That
2 \$100,000,000 may be made available to International As-
3 sistance Programs, “Global Fund to Fight HIV/AIDS,
4 Malaria, and Tuberculosis”, to remain available until ex-
5 pended: *Provided further*, That up to \$150,000,000 shall
6 be for extramural facilities construction grants to enhance
7 the Nation’s capability to do research on biological and
8 other agents.

9 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

10 For carrying out section 301 and title IV of the Pub-
11 lic Health Service Act with respect to general medical
12 sciences, \$1,959,810,000.

13 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
14 DEVELOPMENT

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to child health and
17 human development, \$1,280,915,000.

18 NATIONAL EYE INSTITUTE

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to eye diseases and
21 visual disorders, \$671,578,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
2 SCIENCES

3 For carrying out sections 301 and 311 and title IV
4 of the Public Health Service Act with respect to environ-
5 mental health sciences, \$650,027,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to aging,
9 \$1,055,666,000.

10 NATIONAL INSTITUTE OF ARTHRITIS AND
11 MUSCULOSKELETAL AND SKIN DISEASES

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to arthritis and mus-
14 culoskeletal and skin diseases, \$515,378,000.

15 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
16 COMMUNICATION DISORDERS

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to deafness and other
19 communication disorders, \$393,507,000.

20 NATIONAL INSTITUTE OF NURSING RESEARCH

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to nursing research,
23 \$139,198,000.

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
2 ALCOHOLISM

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to alcohol abuse and
5 alcoholism, \$441,911,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to drug abuse,
9 \$1,012,760,000: *Provided*, That in addition to amounts
10 provided herein, \$6,300,000 shall be available from
11 amounts under section 241 of the Act to carry out na-
12 tional surveys on drug abuse and related analysis.

13 NATIONAL INSTITUTE OF MENTAL HEALTH

14 For carrying out section 301 and title IV of the Pub-
15 lic Health Service Act with respect to mental health,
16 \$1,420,609,000.

17 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to human genome re-
20 search, \$492,670,000.

21 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
22 BIOENGINEERING

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to biomedical imaging
25 and bioengineering research, \$297,647,000.

1 NATIONAL CENTER FOR RESEARCH RESOURCES

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to research resources
4 and general research support grants, \$1,094,141,000:
5 *Provided*, That none of these funds shall be used to pay
6 recipients of the general research support grants program
7 any amount for indirect expenses in connection with such
8 grants.

9 NATIONAL CENTER FOR COMPLEMENTARY AND
10 ALTERNATIVE MEDICINE

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to complementary and
13 alternative medicine, \$121,116,000.

14 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
15 DISPARITIES

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to minority health and
18 health disparities research, \$196,780,000.

19 JOHN E. FOGARTY INTERNATIONAL CENTER

20 For carrying out the activities at the John E.
21 Fogarty International Center, \$67,182,000.

22 NATIONAL LIBRARY OF MEDICINE

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to health information
25 communications, \$316,947,000, of which \$4,000,000 shall

1 be available until expended for improvement of informa-
2 tion systems: *Provided*, That in fiscal year 2005, the Li-
3 brary may enter into personal services contracts for the
4 provision of services in facilities owned, operated, or con-
5 structed under the jurisdiction of the National Institutes
6 of Health: *Provided further*, That in addition to amounts
7 provided herein, \$8,200,000 shall be available from
8 amounts under section 241 of the Act to carry out Na-
9 tional Information Center on Health Services Research
10 and Health Care Technology and related health services.

11 OFFICE OF THE DIRECTOR

12 (INCLUDING TRANSFER OF FUNDS)

13 For carrying out the responsibilities of the Office of
14 the Director, National Institutes of Health, \$359,645,000,
15 of which up to \$7,500,000 shall be used to carry out sec-
16 tion 217 of this Act: *Provided*, That funding shall be avail-
17 able for the purchase of not to exceed 29 passenger motor
18 vehicles for replacement only: *Provided further*, That the
19 Director may direct up to 1 percent of the total amount
20 made available in this or any other Act to all National
21 Institutes of Health appropriations to activities the Direc-
22 tor may so designate: *Provided further*, That no such ap-
23 propriation shall be decreased by more than 1 percent by
24 any such transfers and that the Congress is promptly noti-
25 fied of the transfer: *Provided further*, That the National

1 Institutes of Health is authorized to collect third party
2 payments for the cost of clinical services that are incurred
3 in National Institutes of Health research facilities and
4 that such payments shall be credited to the National Insti-
5 tutes of Health Management Fund: *Provided further*, That
6 all funds credited to the National Institutes of Health
7 Management Fund shall remain available for 1 fiscal year
8 after the fiscal year in which they are deposited: *Provided*
9 *further*, That a uniform percentage of the amounts appro-
10 priated in this Act to each Institute and Center, as deter-
11 mined by the Director and totaling not more than
12 \$176,800,000, may be utilized for the National Institutes
13 of Health Roadmap Initiative: *Provided further*, That
14 amounts utilized under the preceding proviso shall be in
15 addition to amounts made available for the Roadmap Ini-
16 tiative from the Director's Discretionary Fund: *Provided*
17 *further*, That up to \$500,000 shall be available to carry
18 out section 499 of the Public Health Service Act.

19 BUILDINGS AND FACILITIES

20 (INCLUDING TRANSFER OF FUNDS)

21 For the study of, construction of, renovation of, and
22 acquisition of equipment for, facilities of or used by the
23 National Institutes of Health, including the acquisition of
24 real property, \$99,500,000, to remain available until ex-
25 pended.

1 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
2 ADMINISTRATION

3 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

4 For carrying out titles V and XIX of the Public
5 Health Service Act with respect to substance abuse and
6 mental health services, the Protection and Advocacy for
7 Mentally Ill Individuals Act, and section 301 of the Public
8 Health Service Act with respect to program management,
9 \$3,270,360,000: *Provided*, That in addition to amounts
10 provided herein, the following amounts shall be available
11 from amounts available under section 241 of the Public
12 Health Service Act:

13 (1) \$79,200,000 to carry out subpart II of title
14 XIX of the Public Health Service Act to fund sec-
15 tion 1935(b) technical assistance, national data,
16 data collection and evaluation activities, and further
17 that the total available under this Act for section
18 1935(b) activities shall not exceed 5 percent of the
19 amounts appropriated for subpart II of title XIX;

20 (2) \$21,803,000 to carry out subpart I of part
21 B of title XIX of the Public Health Services Act to
22 fund section 1920(b) technical assistance, national
23 data, data collection and evaluation activities, and
24 further that the total available under this Act for
25 section 1920(b) activities shall not exceed 5 percent

1 of the amounts appropriated for subpart I of part B
2 of title XIX;

3 (3) \$16,000,000 to carry out national surveys
4 on drug abuse; and

5 (4) \$4,300,000 for substance abuse treatment
6 programs.

7 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

8 HEALTHCARE RESEARCH AND QUALITY

9 For carrying out titles III and IX of the Public
10 Health Service Act, and part A of title XI of the Social
11 Security Act, amounts received from Freedom of Informa-
12 tion Act fees, reimbursable and interagency agreements,
13 and the sale of data shall be credited to this appropriation
14 and shall remain available until expended: *Provided*, That
15 the amount made available pursuant to section 927(c) of
16 the Public Health Service Act shall not exceed
17 \$303,695,000.

18 CENTERS FOR MEDICARE AND MEDICAID SERVICES

19 GRANTS TO STATES FOR MEDICAID

20 For carrying out, except as otherwise provided, titles
21 XI and XIX of the Social Security Act, \$119,124,488,000,
22 to remain available until expended.

23 For making, after May 31, 2005, payments to States
24 under title XIX of the Social Security Act for the last
25 quarter of fiscal year 2005 for unanticipated costs, in-

1 curred for the current fiscal year, such sums as may be
2 necessary.

3 For making payments to States or in the case of sec-
4 tion 1928 on behalf of States under title XIX of the Social
5 Security Act for the first quarter of fiscal year 2006,
6 \$58,517,290,000, to remain available until expended.

7 Payment under title XIX may be made for any quar-
8 ter with respect to a State plan or plan amendment in
9 effect during such quarter, if submitted in or prior to such
10 quarter and approved in that or any subsequent quarter.

11 PAYMENTS TO HEALTH CARE TRUST FUNDS

12 For payment to the Federal Hospital Insurance and
13 the Federal Supplementary Medical Insurance Trust
14 Funds, as provided under section 1844, 1860D–16 and
15 1860D–31 of the Social Security Act, sections 103(c) and
16 111(d) of the Social Security Amendments of 1965, sec-
17 tion 278(d) of Public Law 97–248, and for administrative
18 expenses incurred pursuant to section 201(g) of the Social
19 Security Act, \$114,608,900,000. To ensure prompt pay-
20 ments of Medicare prescription drug benefits as provided
21 under section 1860D–16 of the Social Security Act,
22 \$5,216,900,000, to become available on October 1, 2005,
23 for fiscal year 2006.

PROGRAM MANAGEMENT

1
2 For carrying out, except as otherwise provided, titles
3 XI, XVIII, XIX, and XXI of the Social Security Act, titles
4 XIII and XXVII of the Public Health Service Act, and
5 the Clinical Laboratory Improvement Amendments of
6 1988, not to exceed \$2,746,253,000, to be transferred
7 from the Federal Hospital Insurance and the Federal Sup-
8 plementary Medical Insurance Trust Funds, as authorized
9 by section 201(g) of the Social Security Act; together with
10 all funds collected in accordance with section 353 of the
11 Public Health Service Act and section 1857(e)(2) of the
12 Social Security Act, and such sums as may be collected
13 from authorized user fees and the sale of data, which shall
14 remain available until expended: *Provided*, That all funds
15 derived in accordance with 31 U.S.C. 9701 from organiza-
16 tions established under title XIII of the Public Health
17 Service Act shall be credited to and available for carrying
18 out the purposes of this appropriation: *Provided further*,
19 That \$24,400,000, to remain available until September
20 30, 2006, is for contract costs for CMS's Systems Revital-
21 ization Plan: *Provided further*, That \$78,300,000, to re-
22 main available until September 30, 2006, is for contract
23 costs for the Healthcare Integrated General Ledger Ac-
24 counting System: *Provided further*, That not less than
25 \$129,000,000 shall be for processing Medicare appeals, of

1 which \$50,000,000 shall be transferred to the Social Secu-
2 rity Administration for processing Medicare appeals: *Pro-*
3 *vided further*, That the Secretary of Health and Human
4 Services is directed to collect fees in fiscal year 2005 from
5 Medicare+Choice organizations pursuant to section
6 1857(e)(2) of the Social Security Act and from eligible
7 organizations with risk-sharing contracts under section
8 1876 of that Act pursuant to section 1876(k)(4)(D) of
9 that Act: *Provided further*, That the aggregate amount
10 under this heading is hereby reduced by \$9,000,000, such
11 reduction shall be allocated among the programs and ac-
12 tivities under this heading (including programs and activi-
13 ties for which amounts are specified under this heading)
14 in such manner as the Administrator of the Centers for
15 Medicare & Medicaid Services determines to be appro-
16 priate.

17 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
18 GUARANTEE FUND

19 For carrying out subsections (d) and (e) of section
20 1308 of the Public Health Service Act, any amounts re-
21 ceived by the Secretary in connection with loans and loan
22 guarantees under title XIII of the Public Health Service
23 Act, to be available without fiscal year limitation for the
24 payment of outstanding obligations. During fiscal year

1 2005, no commitments for direct loans or loan guarantees
2 shall be made.

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 PAYMENTS TO STATES FOR CHILD SUPPORT

5 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

6 For making payments to States or other non-Federal
7 entities under titles I, IV–D, X, XI, XIV, and XVI of the
8 Social Security Act and the Act of July 5, 1960 (24
9 U.S.C. ch. 9), \$2,873,802,000, to remain available until
10 expended; and for such purposes for the first quarter of
11 fiscal year 2006, \$1,200,000,000, to remain available until
12 expended.

13 For making payments to each State for carrying out
14 the program of Aid to Families with Dependent Children
15 under title IV–A of the Social Security Act before the ef-
16 fective date of the program of Temporary Assistance to
17 Needy Families (TANF) with respect to such State, such
18 sums as may be necessary: *Provided*, That the sum of the
19 amounts available to a State with respect to expenditures
20 under such title IV–A in fiscal year 1997 under this ap-
21 propriation and under such title IV–A as amended by the
22 Personal Responsibility and Work Opportunity Reconcili-
23 ation Act of 1996 shall not exceed the limitations under
24 section 116(b) of such Act.

1 For making, after May 31 of the current fiscal year,
2 payments to States or other non-Federal entities under
3 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
4 Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for
5 the last 3 months of the current fiscal year for unantici-
6 pated costs, incurred for the current fiscal year, such sums
7 as may be necessary.

8 LOW-INCOME HOME ENERGY ASSISTANCE

9 (INCLUDING TRANSFER OF FUNDS)

10 For carrying out low-income home energy assistance
11 activities, \$2,227,000,000: *Provided*, That of the total
12 amount provided under this heading, \$1,900,000,000 shall
13 be for the low-income home energy assistance program
14 under title XXVI of the Omnibus Budget Reconciliation
15 Act of 1981 (42 U.S.C. 8621 et seq.): *Provided further*,
16 That of the total amount provided under this heading,
17 \$100,000,000, to remain available until expended, shall be
18 for the low-income home energy assistance program under
19 title XXVI of the Omnibus Budget Reconciliation Act of
20 1981 (42 U.S.C. 8621 et seq.) for the unanticipated home
21 energy assistance needs of one or more States, as author-
22 ized by section 2604(e) of such Act, and notwithstanding
23 the designation requirement of section 2602(e) of such
24 Act: *Provided further*, That of the total amount provided
25 under this heading, \$227,000,000 is hereby transferred to

1 the Department of Energy for the weatherization assist-
2 ance program under part A of title IV of the Energy Con-
3 servation and Production Act (42 U.S.C. 6861 et seq.),
4 and shall remain available until expended.

5 REFUGEE AND ENTRANT ASSISTANCE

6 For necessary expenses for refugee and entrant as-
7 sistance activities and for costs associated with the care
8 and placement of unaccompanied alien children authorized
9 by title IV of the Immigration and Nationality Act and
10 section 501 of the Refugee Education Assistance Act of
11 1980 (Public Law 96–422), for carrying out section 462
12 of the Homeland Security Act of 2002 (Public Law 107–
13 296), and for carrying out the Torture Victims Relief Act
14 of 2003 (Public Law 108–179), \$491,336,000, of which
15 up to \$10,000,000 shall be available to carry out the Traf-
16 ficking Victims Protection Act of 2003 (Public Law 108–
17 193): *Provided*, That funds appropriated under this head-
18 ing pursuant to section 414(a) of the Immigration and
19 Nationality Act and section 462 of the Homeland Security
20 Act of 2002 for fiscal year 2005 shall be available for the
21 costs of assistance provided and other activities to remain
22 available through September 30, 2007.

1 programs pursuant to title XX of such Act shall be 4.5
2 percent.

3 CHILDREN AND FAMILIES SERVICES PROGRAMS

4 For carrying out, except as otherwise provided, the
5 Runaway and Homeless Youth Act, the Developmental
6 Disabilities Assistance and Bill of Rights Act, the Head
7 Start Act, the Child Abuse Prevention and Treatment Act,
8 sections 310 and 316 of the Family Violence Prevention
9 and Services Act, as amended, the Native American Pro-
10 grams Act of 1974, title II of Public Law 95–266 (adop-
11 tion opportunities), the Adoption and Safe Families Act
12 of 1997 (Public Law 105–89), sections 1201 and 1211
13 of the Children’s Health Act of 2000, the Abandoned In-
14 fants Assistance Act of 1988, sections 261 and 291 of the
15 Help America Vote Act of 2002, part B(1) of title IV and
16 sections 413, 429A, 1110, and 1115 of the Social Security
17 Act, and sections 40155, 40211, and 40241 of Public Law
18 103–322; for making payments under the Community
19 Services Block Grant Act, sections 439(h), 473A, and
20 477(i) of the Social Security Act, and title IV of Public
21 Law 105–285, and for necessary administrative expenses
22 to carry out said Acts and titles I, IV, V, X, XI, XIV,
23 XVI, and XX of the Social Security Act, the Act of July
24 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconcili-
25 ation Act of 1981, title IV of the Immigration and Nation-

1 ality Act, section 501 of the Refugee Education Assistance
2 Act of 1980, sections 40155, 40211, and 40241 of Public
3 Law 103–322, and section 126 and titles IV and V of
4 Public Law 100–485, \$8,985,663,000, of which
5 \$32,103,000, to remain available until September 30,
6 2006, shall be for grants to States for adoption incentive
7 payments, as authorized by section 473A of title IV of the
8 Social Security Act (42 U.S.C. 670–679) and may be
9 made for adoptions completed before September 30, 2005:
10 *Provided further*, That \$6,898,580,000 shall be for making
11 payments under the Head Start Act, of which
12 \$1,400,000,000 shall become available October 1, 2005,
13 and remain available through September 30, 2006: *Pro-*
14 *vided further*, That \$710,088,000 shall be for making pay-
15 ments under the Community Services Block Grant Act:
16 *Provided further*, That not less than \$7,184,000 shall be
17 for section 680(3)(B) of the Community Services Block
18 Grant Act, as amended: *Provided further*, That in addition
19 to amounts provided herein, \$5,982,000 shall be available
20 from amounts available under section 241 of the Public
21 Health Service Act to carry out the provisions of section
22 1110 of the Social Security Act: *Provided further*, That
23 to the extent Community Services Block Grant funds are
24 distributed as grant funds by a State to an eligible entity
25 as provided under the Act, and have not been expended

1 by such entity, they shall remain with such entity for car-
2 ryover into the next fiscal year for expenditure by such
3 entity consistent with program purposes: *Provided further,*
4 That the Secretary shall establish procedures regarding
5 the disposition of intangible property which permits grant
6 funds, or intangible assets acquired with funds authorized
7 under section 680 of the Community Services Block Grant
8 Act, as amended, to become the sole property of such
9 grantees after a period of not more than 12 years after
10 the end of the grant for purposes and uses consistent with
11 the original grant: *Provided further,* That funds appro-
12 priated for section 680(a)(2) of the Community Services
13 Block Grant Act, as amended, shall be available for fi-
14 nancing construction and rehabilitation and loans or in-
15 vestments in private business enterprises owned by com-
16 munity development corporations: *Provided further,* That
17 \$55,000,000 is for a compassion capital fund to provide
18 grants to charitable organizations to emulate model social
19 service programs and to encourage research on the best
20 practices of social service organizations: *Provided further,*
21 That \$15,000,000 shall be for activities authorized by the
22 Help America Vote Act of 2002, of which \$10,000,000
23 shall be for payments to States to promote access for vot-
24 ers with disabilities, and of which \$5,000,000 shall be for
25 payments to States for protection and advocacy systems

1 for voters with disabilities: *Provided further*, That
2 \$105,046,000 is only for making competitive grants to
3 provide abstinence education (as defined by section
4 510(b)(2) of the Social Security Act) to adolescents, and
5 for Federal costs of administering the grant: *Provided fur-*
6 *ther*, That grants under the immediately preceding proviso
7 shall be made only to public and private entities which
8 agree that, with respect to an adolescent to whom the enti-
9 ties provide abstinence education under such grant, the
10 entities will not provide to that adolescent any other edu-
11 cation regarding sexual conduct, except that, in the case
12 of an entity expressly required by law to provide health
13 information or services the adolescent shall not be pre-
14 cluded from seeking health information or services from
15 the entity in a different setting than the setting in which
16 abstinence education was provided: *Provided further*, That
17 within amounts provided herein for abstinence education
18 for adolescents, up to \$10,000,000 may be available for
19 a national abstinence education campaign: *Provided fur-*
20 *ther*, That in addition to amounts provided herein for ab-
21 stinence education for adolescents, \$4,500,000 shall be
22 available from amounts available under section 241 of the
23 Public Health Services Act to carry out evaluations (in-
24 cluding longitudinal evaluations) of adolescent pregnancy
25 prevention approaches: *Provided further*, That \$2,000,000

1 shall be for improving the Public Assistance Reporting In-
2 formation System, including grants to States to support
3 data collection for a study of the system's effectiveness.

4 PROMOTING SAFE AND STABLE FAMILIES

5 For carrying out section 436 of the Social Security
6 Act, \$305,000,000 and for section 437, \$105,000,000.

7 PAYMENTS TO STATES FOR FOSTER CARE AND

8 ADOPTION ASSISTANCE

9 For making payments to States or other non-Federal
10 entities under title IV-E of the Social Security Act,
11 \$5,037,900,000.

12 For making payments to States or other non-Federal
13 entities under title IV-E of the Act, for the first quarter
14 of fiscal year 2006, \$1,767,200,000.

15 For making, after May 31 of the current fiscal year,
16 payments to States or other non-Federal entities under
17 section 474 of title IV-E, for the last 3 months of the
18 current fiscal year for unanticipated costs, incurred for the
19 current fiscal year, such sums as may be necessary.

20 ADMINISTRATION ON AGING

21 AGING SERVICES PROGRAMS

22 For carrying out, to the extent not otherwise pro-
23 vided, the Older Americans Act of 1965, as amended, and
24 section 398 of the Public Health Service Act,
25 \$1,403,479,000, of which \$5,500,000 shall be available for

1 activities regarding medication management, screening,
2 and education to prevent incorrect medication and adverse
3 drug reactions; and of which \$4,558,000 shall remain
4 available until September 30, 2007, for the White House
5 Conference on Aging.

6 OFFICE OF THE SECRETARY

7 GENERAL DEPARTMENTAL MANAGEMENT

8 For necessary expenses, not otherwise provided, for
9 general departmental management, including hire of six
10 sedans, and for carrying out titles III, XVII, XX, and XXI
11 of the Public Health Service Act, and the United States-
12 Mexico Border Health Commission Act, \$380,298,000, to-
13 gether with \$5,851,000 to be transferred and expended
14 as authorized by section 201(g)(1) of the Social Security
15 Act from the Hospital Insurance Trust Fund and the Sup-
16 plemental Medical Insurance Trust Fund: *Provided*, That
17 of the funds made available under this heading for car-
18 rying out title XX of the Public Health Service Act,
19 \$13,120,000 shall be for activities specified under section
20 2003(b)(2), all of which shall be for prevention service
21 demonstration grants under section 510(b)(2) of title V
22 of the Social Security Act, as amended, without applica-
23 tion of the limitation of section 2010(c) of said title XX:
24 *Provided further*, That of this amount, \$25,000,000 shall
25 be for advancing health care information technology na-

1 tionally, including demonstration project grants;
2 \$52,838,000 shall be for minority AIDS prevention and
3 treatment activities; \$14,847,000 shall be for an Informa-
4 tion Technology Security and Innovation Fund for De-
5 partment-wide activities involving cybersecurity, informa-
6 tion technology security, and related innovation projects;
7 and \$5,000,000 shall be to assist Afghanistan in the devel-
8 opment of maternal and child health clinics, consistent
9 with section 103(a)(4)(H) of the Afghanistan Freedom
10 Support Act of 2002.

11 OFFICE OF INSPECTOR GENERAL

12 For expenses necessary for the Office of Inspector
13 General, including the hire of passenger motor vehicles for
14 investigations, in carrying out the provisions of the Inspec-
15 tor General Act of 1978, as amended, \$40,323,000: *Pro-*
16 *vided*, That of such amount, necessary sums are available
17 for providing protective services to the Secretary and in-
18 vestigating non-payment of child support cases for which
19 non-payment is a Federal offense under 18 U.S.C. 228.

20 OFFICE FOR CIVIL RIGHTS

21 For expenses necessary for the Office for Civil
22 Rights, \$32,043,000, together with not to exceed
23 \$3,314,000 to be transferred and expended as authorized
24 by section 201(g)(1) of the Social Security Act from the
25 Hospital Insurance Trust Fund and the Supplemental
26 Medical Insurance Trust Fund.

POLICY RESEARCH

1
2 For carrying out, to the extent not otherwise pro-
3 vided, research studies under section 1110 of the Social
4 Security Act and title III of the Public Health Service Act,
5 \$20,750,000, which shall be available from amounts avail-
6 able under section 241 of the Public Health Service Act
7 to carry out national health or human services research
8 and evaluation activities: *Provided*, That the expenditure
9 of any funds available under section 241 of the Public
10 Health Service Act is subject to the requirements of sec-
11 tion 206 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR
COMMISSIONED OFFICERS

12
13
14 For retirement pay and medical benefits of Public
15 Health Service Commissioned Officers as authorized by
16 law, for payments under the Retired Serviceman's Family
17 Protection Plan and Survivor Benefit Plan, for medical
18 care of dependents and retired personnel under the De-
19 pendents' Medical Care Act (10 U.S.C. ch. 55 and 56),
20 and for payments pursuant to section 229(b) of the Social
21 Security Act (42 U.S.C. 429(b)), such amounts as may
22 be required during the current fiscal year. The following
23 are definitions for the medical benefits of the Public
24 Health Service Commissioned Officers that apply to 10
25 U.S.C. chapter 56, section 1116(c). The source of funds

1 for the monthly accrual payments into the Department of
2 Defense Medicare-Eligible Retiree Health Care Fund shall
3 be the Retirement Pay and Medical Benefits for Commis-
4 sioned Officers account. For purposes of this Act, the term
5 “pay of members” shall be construed to be synonymous
6 with retirement payments to United States Public Health
7 Service officers who are retired for age, disability, or
8 length of service; payments to survivors of deceased offi-
9 cers; medical care to active duty and retired members and
10 dependents and beneficiaries; and for payments to the So-
11 cial Security Administration for military service credits;
12 all of which payments are provided for by the Retirement
13 Pay and Medical Benefits for Commissioned Officers ac-
14 count.

15 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

16 FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 For expenses necessary to support activities related
19 to countering potential biological, disease, nuclear, radio-
20 logical, and chemical threats to civilian populations,
21 \$1,842,247,000: *Provided*, That this amount is distributed
22 as follows: Centers for Disease Control and Prevention,
23 \$1,187,760,000; Office of the Secretary, \$64,438,000;
24 National Institutes of Health, \$47,400,000; and Health
25 Resources and Services Administration, \$542,649,000:
26 *Provided further*, That employees of the Centers for Dis-

1 ease Control and Prevention or the Public Health Service,
2 both civilian and Commissioned Officers, detailed to
3 States, municipalities, or other organizations under au-
4 thority of section 214 of the Public Health Service Act
5 for purposes related to homeland security, shall be treated
6 as non-Federal employees for reporting purposes only and
7 shall not be included within any personnel ceiling applica-
8 ble to the Agency, Service, or the Department of Health
9 and Human Services during the period of detail or assign-
10 ment.

11 In addition, \$450,000,000, to remain available until
12 expended, for the Strategic National Stockpile: *Provided*,
13 That subject to 31 U.S.C. 1531, there shall be transferred
14 to the Secretary of Health and Human Services the func-
15 tions, assets, unexpended balances (including those from
16 appropriations authorized under section 121(3) of Public
17 Law 107–188 and prior authorities); and liabilities of the
18 Strategic National Stockpile, including the functions of
19 the Secretary of Homeland Security relating thereto: *Pro-*
20 *vided further*, That the stockpile shall be deployed as
21 deemed appropriate by the Secretary, or when requested
22 by the Secretary of Homeland Security.

23 In addition, for activities to ensure a year-round in-
24 fluenza vaccine production capacity and the development
25 and implementation of rapidly expandable influenza vac-

1 cine production technologies, \$60,000,000, to remain
2 available until expended.

3 GENERAL PROVISIONS

4 SEC. 201. Funds appropriated in this title shall be
5 available for not to exceed \$50,000 for official reception
6 and representation expenses when specifically approved by
7 the Secretary.

8 SEC. 202. The Secretary shall make available through
9 assignment not more than 60 employees of the Public
10 Health Service to assist in child survival activities and to
11 work in AIDS programs through and with funds provided
12 by the Agency for International Development, the United
13 Nations International Children's Emergency Fund or the
14 World Health Organization.

15 SEC. 203. None of the funds appropriated under this
16 Act may be used to implement section 399F(b) of the Pub-
17 lic Health Service Act or section 1503 of the National In-
18 stitutes of Health Revitalization Act of 1993, Public Law
19 103-43.

20 SEC. 204. None of the funds appropriated in this Act
21 for the National Institutes of Health, the Agency for
22 Healthcare Research and Quality, and the Substance
23 Abuse and Mental Health Services Administration shall
24 be used to pay the salary of an individual, through a grant

1 or other extramural mechanism, at a rate in excess of Ex-
2 ecutive Level I.

3 SEC. 205. None of the funds appropriated in this title
4 for Head Start shall be used to pay the compensation of
5 an individual, either as direct costs or any proration as
6 an indirect cost, at a rate in excess of Executive Level
7 II.

8 SEC. 206. None of the funds appropriated in this Act
9 may be expended pursuant to section 241 of the Public
10 Health Service Act, except for funds specifically provided
11 for in this Act, or for other taps and assessments made
12 by any office located in the Department of Health and
13 Human Services, prior to the Secretary's preparation and
14 submission of a report to the Committee on Appropria-
15 tions of the Senate and of the House detailing the planned
16 uses of such funds.

17 SEC. 207. Notwithstanding section 241(a) of the
18 Public Health Service Act, such portion as the Secretary
19 shall determine, but not more than 2.3 percent, of any
20 amounts appropriated for programs authorized under said
21 Act shall be made available for the evaluation (directly,
22 or by grants or contracts) of the implementation and effec-
23 tiveness of such programs.

24 (TRANSFER OF FUNDS)

25 SEC. 208. Not to exceed 1 percent of any discre-
26 tionary funds (pursuant to the Balanced Budget and

1 Emergency Deficit Control Act of 1985, as amended)
2 which are appropriated for the current fiscal year for the
3 Department of Health and Human Services in this Act
4 may be transferred between appropriations, but no such
5 appropriation shall be increased by more than 3 percent
6 by any such transfer: *Provided*, That an appropriation
7 may be increased by up to an additional 2 percent subject
8 to approval by the House and Senate Committees on Ap-
9 propriations: *Provided further*, That the Appropriations
10 Committees of both Houses of Congress are notified at
11 least 15 days in advance of any transfer.

12 SEC. 209. The Director of the National Institutes of
13 Health, jointly with the Director of the Office of AIDS
14 Research, may transfer up to 3 percent among institutes
15 and centers from the total amounts identified by these two
16 Directors as funding for research pertaining to the human
17 immunodeficiency virus: *Provided*, That the Congress is
18 promptly notified of the transfer.

19 SEC. 210. Of the amounts made available in this Act
20 for the National Institutes of Health, the amount for re-
21 search related to the human immunodeficiency virus, as
22 jointly determined by the Director of the National Insti-
23 tutes of Health and the Director of the Office of AIDS
24 Research, shall be made available to the “Office of AIDS
25 Research” account. The Director of the Office of AIDS

1 Research shall transfer from such account amounts nec-
2 essary to carry out section 2353(d)(3) of the Public
3 Health Service Act.

4 SEC. 211. None of the funds appropriated in this Act
5 may be made available to any entity under title X of the
6 Public Health Service Act unless the applicant for the
7 award certifies to the Secretary that it encourages family
8 participation in the decision of minors to seek family plan-
9 ning services and that it provides counseling to minors on
10 how to resist attempts to coerce minors into engaging in
11 sexual activities.

12 SEC. 212. None of the funds appropriated by this Act
13 (including funds appropriated to any trust fund) may be
14 used to carry out the Medicare+Choice program if the
15 Secretary denies participation in such program to an oth-
16 erwise eligible entity (including a Provider Sponsored Or-
17 ganization) because the entity informs the Secretary that
18 it will not provide, pay for, provide coverage of, or provide
19 referrals for abortions: *Provided*, That the Secretary shall
20 make appropriate prospective adjustments to the capita-
21 tion payment to such an entity (based on an actuarially
22 sound estimate of the expected costs of providing the serv-
23 ice to such entity's enrollees): *Provided further*, That noth-
24 ing in this section shall be construed to change the Medi-
25 care program's coverage for such services and a

1 Medicare+Choice organization described in this section
2 shall be responsible for informing enrollees where to obtain
3 information about all Medicare covered services.

4 SEC. 213. Notwithstanding any other provision of
5 law, no provider of services under title X of the Public
6 Health Service Act shall be exempt from any State law
7 requiring notification or the reporting of child abuse, child
8 molestation, sexual abuse, rape, or incest.

9 SEC. 214. (a) Except as provided by subsection (e)
10 none of the funds appropriated by this Act may be used
11 to withhold substance abuse funding from a State pursu-
12 ant to section 1926 of the Public Health Service Act (42
13 U.S.C. 300x-26) if such State certifies to the Secretary
14 of Health and Human Services by May 1, 2005 that the
15 State will commit additional State funds, in accordance
16 with subsection (b), to ensure compliance with State laws
17 prohibiting the sale of tobacco products to individuals
18 under 18 years of age.

19 (b) The amount of funds to be committed by a State
20 under subsection (a) shall be equal to 1 percent of such
21 State's substance abuse block grant allocation for each
22 percentage point by which the State misses the retailer
23 compliance rate goal established by the Secretary of
24 Health and Human Services under section 1926 of such
25 Act.

1 (c) The State is to maintain State expenditures in
2 fiscal year 2005 for tobacco prevention programs and for
3 compliance activities at a level that is not less than the
4 level of such expenditures maintained by the State for fis-
5 cal year 2004, and adding to that level the additional
6 funds for tobacco compliance activities required under
7 subsection (a). The State is to submit a report to the Sec-
8 retary on all fiscal year 2004 State expenditures and all
9 fiscal year 2005 obligations for tobacco prevention and
10 compliance activities by program activity by July 31,
11 2005.

12 (d) The Secretary shall exercise discretion in enforce-
13 ing the timing of the State obligation of the additional
14 funds required by the certification described in subsection
15 (a) as late as July 31, 2005.

16 (e) None of the funds appropriated by this Act may
17 be used to withhold substance abuse funding pursuant to
18 section 1926 from a territory that receives less than
19 \$1,000,000.

20 SEC. 215. In order for the Centers for Disease Con-
21 trol and Prevention to carry out international health ac-
22 tivities, including HIV/AIDS and other infectious disease,
23 chronic and environmental disease, and other health ac-
24 tivities abroad during fiscal year 2005, the Secretary of
25 Health and Human Services—

1 (1) may exercise authority equivalent to that
2 available to the Secretary of State in section 2(c) of
3 the State Department Basic Authorities Act of 1956
4 (22 U.S.C. 2669(c)). The Secretary of Health and
5 Human Services shall consult with the Secretary of
6 State and relevant Chief of Mission to ensure that
7 the authority provided in this section is exercised in
8 a manner consistent with section 207 of the Foreign
9 Service Act of 1980 (22 U.S.C. 3927) and other ap-
10 plicable statutes administered by the Department of
11 State, and

12 (2) is authorized to provide such funds by ad-
13 vance or reimbursement to the Secretary of State as
14 may be necessary to pay the costs of acquisition,
15 lease, alteration, renovation, and management of fa-
16 cilities outside of the United States for the use of
17 the Department of Health and Human Services. The
18 Department of State shall cooperate fully with the
19 Secretary of Health and Human Services to ensure
20 that the Department of Health and Human Services
21 has secure, safe, functional facilities that comply
22 with applicable regulation governing location, set-
23 back, and other facilities requirements and serve the
24 purposes established by this Act. The Secretary of
25 Health and Human Services is authorized, in con-

1 sultation with the Secretary of State, through grant
2 or cooperative agreement, to make available to pub-
3 lic or nonprofit private institutions or agencies in
4 participating foreign countries, funds to acquire,
5 lease, alter, or renovate facilities in those countries
6 as necessary to conduct programs of assistance for
7 international health activities, including activities re-
8 lating to HIV/AIDS and other infectious diseases,
9 chronic and environmental diseases, and other health
10 activities abroad.

11 SEC. 216. The Division of Federal Occupational
12 Health may utilize personal services contracting to employ
13 professional management/administrative and occupational
14 health professionals.

15 SEC. 217. (a) AUTHORITY.—Notwithstanding any
16 other provision of law, the Director of the National Insti-
17 tutes of Health may use funds available under section
18 402(i) of the Public Health Service Act (42 U.S.C. 282(i))
19 to enter into transactions (other than contracts, coopera-
20 tive agreements, or grants) to carry out research in sup-
21 port of the NIH Roadmap Initiative of the Director.

22 (b) PEER REVIEW.—In entering into transactions
23 under subsection (a), the Director of the National Insti-
24 tutes of Health may utilize such peer review procedures
25 (including consultation with appropriate scientific experts)

1 as the Director determines to be appropriate to obtain as-
2 sessments of scientific and technical merit. Such proce-
3 dures shall apply to such transactions in lieu of the peer
4 review and advisory council review procedures that would
5 otherwise be required under sections 301(a)(3),
6 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of
7 the Public Health Service Act (42 U.S.C. 241,
8 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

9 SEC. 218. The unobligated balance of the funds ap-
10 propriated by section 1897(g) of the Social Security Act,
11 as added by section 1016 of the Medicare Prescription
12 Drug, Improvement, and Modernization Act of 2003 (Pub-
13 lic Law 108–173), is rescinded.

14 SEC. 219. (a) CMS PROGRAM MANAGEMENT AC-
15 COUNT.—The amount otherwise provided by this Act for
16 “Centers for Medicare and Medicaid Services—Program
17 Management” is hereby reduced by \$155,000,000.

18 (b) MEDICARE CLAIMS PROCESSING FEE.—

19 (1) IN GENERAL.—Notwithstanding section
20 1842(e)(4) of the Social Security Act, each claim
21 submitted by an individual or entity furnishing items
22 or services for which payment may be made under
23 part A or part B of title XVIII of such Act is sub-
24 ject to a processing fee of \$5.00 if the claim—

1 (A) duplicates, in whole or in part, another
2 claim submitted by the same individual or enti-
3 ty; or

4 (B) is a claim that cannot be processed
5 and must be returned by the medicare claims
6 processing contractor involved to the individual
7 or entity for completion or correction.

8 (2) DEDUCTION AND TRANSFER.—The Sec-
9 retary of Health and Human Services shall deduct
10 any fees assessed pursuant to paragraph (1) against
11 an individual or entity from amounts otherwise pay-
12 able from a trust fund under such title to such indi-
13 vidual or entity, and shall transfer the amount so
14 deducted from such trust fund to the Program Man-
15 agement account of the Centers for Medicare &
16 Medicaid Services.

17 (3) AVAILABILITY.—Fees collected under this
18 subsection shall remain available until expended.

19 (4) WAIVER AUTHORITY.—The Secretary of
20 Health and Human Services may provide for waiver
21 of fees for claims described in paragraph (2) in
22 cases of such compelling circumstances as the Sec-
23 retary may determine.

24 (5) EXCLUSION OF FEES IN ALLOWABLE
25 COSTS.—An entity may not include a fee assessed

1 pursuant to this subsection as an allowable item on
2 a cost report under the Social Security Act.

3 (6) EFFECTIVE DATE.—This subsection shall
4 apply to claims referred to in paragraph (1) sub-
5 mitted on or after a date, specified by the Secretary
6 of Health and Human Services, that is not later
7 than 3 months after the date of the enactment of
8 this Act.

9 SEC. 220. The amount appropriated in this Act for
10 “Centers for Disease Control and Prevention—Disease
11 Control Research and Training” is hereby reduced by
12 \$15,000,000, to be derived from the amounts made avail-
13 able for administrative and related information technology
14 expenses: *Provided*, That the Director of the Centers for
15 Disease Control and Prevention shall determine the alloca-
16 tion of the reduction among Agency activities, and shall
17 submit to the Committees on Appropriations a report
18 specifying the proposed allocation.

19 SEC. 221. LIMITATION ON USE OF FUNDS; STUDY.

20 (a) LIMITATION ON FUNDS.—Notwithstanding any
21 other provision of law, none of the funds appropriated by
22 this Act or any other Act may be expended by the Sec-
23 retary of Health and Human Services or by a medicare
24 fiscal intermediary or administrative contractor—

1 (1) to apply the criteria (commonly known as
2 the “75 percent rule”) that are used to determine
3 whether a hospital or unit of a hospital is an inpa-
4 tient rehabilitation facility (as defined in Depart-
5 ment of Health and Human Services, Centers for
6 Medicare and Medicaid Services, “Medicare Pro-
7 gram; Final Rule; Changes to the Criteria for Being
8 Classified as an Inpatient Rehabilitation Facility”,
9 69 Federal Register 25751 et seq. (May 7, 2004),
10 and any accompanying CMS Manual System Trans-
11 mittals (including, but not limited to, Transmittal
12 221 and any change request pursuant to such rule)
13 for purposes of the medicare program;

14 (2) to compile facility data pertaining to compli-
15 ance with such 75 percent rule or enforce such rule;
16 or

17 (3) to utilize or apply any existing or new local
18 medical review policy, local coverage determination,
19 or national coverage determination with respect to
20 medical necessity standards for inpatient rehabilita-
21 tion facilities under the medicare program;

22 until the date that is 9 months after the date on which
23 the report required by subsection (b)(3) is transmitted to
24 the Secretary and the Congress.

1 (b) STUDY AND REPORT.—(1) The Secretary of
2 Health and Human Services shall contract with the Insti-
3 tute of Medicine of the National Academy of Sciences to
4 study and make recommendations (and submit a report
5 under paragraph (3)) on—

6 (A) a clinical consensus on how to modernize
7 the medicare criteria used to distinguish an inpa-
8 tient rehabilitation facility from an acute care hos-
9 pital and other providers of intensive medical reha-
10 bilitation; and

11 (B) the appropriate medical necessity criteria
12 for determining clinical appropriateness of inpatient
13 rehabilitation facility admissions, with due consider-
14 ation being given to chapter 1, section 110 of the
15 Medicare Benefit Policy Manual, the current capa-
16 bilities of treatments and modalities performed by
17 acute and post-acute providers, and the combined
18 medical and functional needs of patients.

19 (2) Under such contract the Institute shall use a
20 panel that includes a multi-disciplinary group of expert re-
21 searchers and clinicians in the field of medical rehabilita-
22 tion.

23 (3) Under such contract the Institute shall submit
24 a report to the Secretary and the Congress on the study

1 and recommendations described in paragraph (1) not later
2 than October 1, 2005.

3 SEC. 222. None of the funds appropriated in this title
4 may be used to impede the exchange of information be-
5 tween the Office of the Actuary of the Centers for Medi-
6 care & Medicaid Services and Congress, including its
7 members, committees, and staff.

8 This title may be cited as the “Department of Health
9 and Human Services Appropriations Act, 2005”.

10 TITLE III—DEPARTMENT OF EDUCATION

11 EDUCATION FOR THE DISADVANTAGED

12 For carrying out title I of the Elementary and Sec-
13 ondary Education Act of 1965 (“ESEA”) and section
14 418A of the Higher Education Act of 1965,
15 \$15,535,735,000, of which \$7,849,390,000 shall become
16 available on July 1, 2005, and shall remain available
17 through September 30, 2006, and of which
18 \$7,383,301,000 shall become available on October 1,
19 2005, and shall remain available through September 30,
20 2006, for academic year 2005–2006: *Provided*, That
21 \$7,037,592,000 shall be available for basic grants under
22 section 1124: *Provided further*, That up to \$3,500,000 of
23 these funds shall be available to the Secretary of Edu-
24 cation on October 1, 2004, to obtain annually updated
25 educational-agency-level census poverty data from the Bu-

1 reau of the Census: *Provided further*, That
2 \$1,365,031,000 shall be available for concentration grants
3 under section 1124A: *Provided further*, That
4 \$2,469,843,000 shall be available for targeted grants
5 under section 1125: *Provided further*, That
6 \$2,469,843,000 shall be available for education finance in-
7 centive grants under section 1125A: *Provided further*,
8 That \$80,000,000 shall be available for comprehensive
9 school reform grants under part F of the ESEA.

10 IMPACT AID

11 For carrying out programs of financial assistance to
12 federally affected schools authorized by title VIII of the
13 Elementary and Secondary Education Act of 1965,
14 \$1,250,893,000, of which \$1,083,687,000 shall be for
15 basic support payments under section 8003(b),
16 \$50,369,000 shall be for payments for children with dis-
17 abilities under section 8003(d), \$45,936,000 shall be for
18 construction under section 8007 and shall remain avail-
19 able through September 30, 2006, \$63,000,000 shall be
20 for Federal property payments under section 8002, and
21 \$7,901,000, to remain available until expended, shall be
22 for facilities maintenance under section 8008: *Provided*,
23 That for purposes of computing the amount of a payment
24 for an eligible local educational agency under section
25 8003(a) of the Elementary and Secondary Education Act

1 (20 U.S.C. 7703(a)) for school year 2004–2005, children
2 enrolled in a school of such agency that would otherwise
3 be eligible for payment under section 8003(a)(1)(B) of
4 such Act, but due to the deployment of both parents or
5 legal guardians, or a parent or legal guardian having sole
6 custody of such children, or due to the death of a military
7 parent or legal guardian while on active duty (so long as
8 such children reside on Federal property as described in
9 section 8003(a)(1)(B)), are no longer eligible under such
10 section, shall be considered as eligible students under such
11 section, provided such students remain in average daily
12 attendance at a school in the same local educational agen-
13 cy they attended prior to their change in eligibility status.

14 **SCHOOL IMPROVEMENT PROGRAMS**

15 For carrying out school improvement activities au-
16 thorized by titles II, part B of title IV, subpart 6 of part
17 D of title V, parts A and B of title VI, and parts B and
18 C of title VII of the Elementary and Secondary Education
19 Act of 1965 (“ESEA”); the McKinney-Vento Homeless
20 Assistance Act; section 203 of the Educational Technical
21 Assistance Act of 2002; the Civil Rights Act of 1964; and
22 section 105(f)(1)(B)(iii) of the Compact of Free Associa-
23 tion Amendments Act of 2003 (Public Law 108–188),
24 \$5,641,401,000, of which \$4,031,016,000 shall become
25 available on July 1, 2005, and remain available through

1 September 30, 2006, and of which \$1,435,000,000 shall
2 become available on October 1, 2005, and shall remain
3 available through September 30, 2006, for academic year
4 2005–2006: *Provided*, That \$410,000,000 shall be for
5 subpart 1 of part A of title VI of the ESEA: *Provided*
6 *further*, That \$68,394,000 shall be available to carry out
7 part D of title V of the ESEA and section 203 of the
8 Educational Technical Assistance Act of 2002: *Provided*
9 *further*, That \$12,230,000 shall be available to carry out
10 the Supplemental Education Grants program for the Fed-
11 erated States of Micronesia, and \$6,100,000 shall be avail-
12 able to carry out the Supplemental Education Grants pro-
13 gram for the Republic of the Marshall Islands: *Provided*
14 *further*, That up to five percent of these amounts may be
15 reserved by the Federated States of Micronesia and the
16 Republic of the Marshall Islands to administer the Supple-
17 mental Education Grants programs and to obtain tech-
18 nical assistance, oversight and consultancy services in the
19 administration of these grants and to reimburse the U.S.
20 Departments of Labor, Health and Human Services, and
21 Education for such services: *Provided further*, That the
22 amount made available in the Department of Education
23 Appropriations Act, 2004, under the heading School Im-
24 provement Programs and including any funds transferred
25 by the Secretary of Education pursuant to section 304 of

1 that Act for state assessment grants authorized under sec-
2 tion 6111 of the Elementary and Secondary Education
3 Act of 1965, shall not be less than \$390,000,000: *Provided*
4 *further*, That, notwithstanding any other provision of law,
5 including any across-the-board reduction that would other-
6 wise apply, the funds made available for fiscal year 2005
7 under the heading School Improvement Programs for
8 state assessment grants under section 6111 of the Ele-
9 mentary and Secondary Education Act of 1965 shall not
10 be less than \$400,000,000.

11 INDIAN EDUCATION

12 For expenses necessary to carry out, to the extent
13 not otherwise provided, title VII, part A of the Elementary
14 and Secondary Education Act of 1965, \$120,856,000.

15 INNOVATION AND IMPROVEMENT

16 For carrying out activities authorized by part G of
17 title I, subpart 5 of part A and parts C and D of title
18 II, parts B, C, and D of title V, and section 1504 of the
19 Elementary and Secondary Education Act of 1965
20 (“ESEA”), \$669,936,000: *Provided*, That \$18,391,000
21 shall be available to carry out section 2151(c) of the
22 ESEA, of which not less than \$10,000,000 shall be pro-
23 vided to the National Board for Professional Teaching
24 Standards, not less than \$7,000,000 shall be provided to
25 the American Board for the Certification of Teacher Ex-

1 cellence, and up to \$1,391,000 may be reserved by the
2 Secretary to conduct an evaluation of activities authorized
3 by such section: *Provided further*, That \$50,000,000 shall
4 be for subpart 2 of part B of title V: *Provided further*,
5 That \$100,000,000 shall be available to carry out part D
6 of title V of the ESEA.

7 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

8 For carrying out activities authorized by subpart 3
9 of part C of title II, part A of title IV, and subparts 2,
10 3 and 10 of part D of title V of the Elementary and Sec-
11 ondary Education Act of 1965 (“ESEA”), \$801,369,000,
12 of which \$440,908,000 shall become available on July 1,
13 2005 and remain available through September 30, 2006:
14 *Provided*, That \$440,908,000 shall be available for sub-
15 part 1 of part A of title IV and \$203,472,000 shall be
16 available for subpart 2 of part A of title IV: *Provided fur-*
17 *ther*, That \$128,347,000 shall be available to carry out
18 part D of title V of the ESEA: *Provided further*, That of
19 the funds available to carry out subpart 3 of part C of
20 title II, up to \$11,852,000 may be used to carry out sec-
21 tion 2345.

22 ENGLISH LANGUAGE ACQUISITION

23 For carrying out part A of title III of the ESEA,
24 \$681,215,000, of which \$595,715,000 shall become avail-
25 able on July 1, 2005, and shall remain available through

1 September 30, 2006: *Provided*, That funds reserved under
2 section 3111(c)(1)(D) of the ESEA that are not used in
3 accordance with section 3111(c)(2) may be added to the
4 funds that are available July 1, 2005, through September
5 30, 2006, for State allotments under section 3111(c)(3).

6 SPECIAL EDUCATION

7 For carrying out parts B, C, and D of the Individuals
8 with Disabilities Education Act, \$12,176,101,000, of
9 which \$6,560,447,000 shall become available for obliga-
10 tion on July 1, 2005, and shall remain available through
11 September 30, 2006, and of which \$5,413,000,000 shall
12 become available on October 1, 2005, and shall remain
13 available through September 30, 2006, for academic year
14 2005–2006: *Provided*, That \$11,400,000 shall be for Re-
15 cording for the Blind and Dyslexic, Inc. to support the
16 development, production, and circulation of recorded edu-
17 cational materials: *Provided further*, That the amount for
18 section 611(c) of the Act shall be equal to the amount
19 available for that section during fiscal year 2004, in-
20 creased by the amount of inflation as specified in section
21 611(f)(1)(B)(ii) of the Act.

22 REHABILITATION SERVICES AND DISABILITY RESEARCH

23 For carrying out, to the extent not otherwise pro-
24 vided, the Rehabilitation Act of 1973, the Assistive Tech-
25 nology Act of 1998 (“the AT Act”), and the Helen Keller

1 National Center Act, \$3,054,587,000, of which
2 \$15,000,000 shall be for grants to States under title III
3 of the AT Act: *Provided*, That the Federal share of such
4 grants shall not exceed 75 percent, and the requirements
5 in sections 301(c)(2) and section 302 of the AT Act shall
6 not apply to such grants.

7 SPECIAL INSTITUTIONS FOR PERSONS WITH
8 DISABILITIES

9 AMERICAN PRINTING HOUSE FOR THE BLIND

10 For carrying out the Act of March 3, 1879, as
11 amended (20 U.S.C. 101 et seq.), \$17,000,000.

12 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

13 For the National Technical Institute for the Deaf
14 under titles I and II of the Education of the Deaf Act
15 of 1986 (20 U.S.C. 4301 et seq.), \$55,790,000, of which
16 \$1,685,000 shall be for construction and shall remain
17 available until expended: *Provided*, That from the total
18 amount available, the Institute may at its discretion use
19 funds for the endowment program as authorized under
20 section 207.

21 GALLAUDET UNIVERSITY

22 For the Kendall Demonstration Elementary School,
23 the Model Secondary School for the Deaf, and the partial
24 support of Gallaudet University under titles I and II of
25 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
26 et seq.), \$104,000,000: *Provided*, That from the total

1 amount available, the University may at its discretion use
2 funds for the endowment program as authorized under
3 section 207.

4 VOCATIONAL AND ADULT EDUCATION

5 For carrying out, to the extent not otherwise pro-
6 vided, the Carl D. Perkins Vocational and Technical Edu-
7 cation Act of 1998, the Adult Education and Family Lit-
8 eracy Act, and subpart 4 of part D of title V of the Ele-
9 mentary and Secondary Education Act of 1965
10 (“ESEA”), \$2,025,456,000, of which \$1,234,456,000
11 shall become available on July 1, 2005, and shall remain
12 available through September 30, 2006, and of which
13 \$791,000,000 shall become available on October 1, 2005,
14 and shall remain available through September 30, 2006:
15 *Provided*, That of the amount provided for Adult Edu-
16 cation State Grants, \$69,135,000 shall be made available
17 for integrated English literacy and civics education serv-
18 ices to immigrants and other limited English proficient
19 populations: *Provided further*, That of the amount re-
20 served for integrated English literacy and civics education,
21 notwithstanding section 211 of the Adult Education and
22 Family Literacy Act, 65 percent shall be allocated to
23 States based on a State’s absolute need as determined by
24 calculating each State’s share of a 10-year average of the
25 Immigration and Naturalization Service data for immi-

1 grants admitted for legal permanent residence for the 10
2 most recent years, and 35 percent allocated to States that
3 experienced growth as measured by the average of the 3
4 most recent years for which Immigration and Naturaliza-
5 tion Service data for immigrants admitted for legal perma-
6 nent residence are available, except that no State shall be
7 allocated an amount less than \$60,000: *Provided further*,
8 That of the amounts made available for the Adult Edu-
9 cation and Family Literacy Act, \$9,169,000 shall be for
10 national leadership activities under section 243 and
11 \$6,692,000 shall be for the National Institute for Literacy
12 under section 242: *Provided further*, That \$101,698,000
13 shall be available to support the activities authorized
14 under subpart 4 of part D of title V of the Elementary
15 and Secondary Education Act of 1965, of which up to 5
16 percent shall become available October 1, 2004, and shall
17 remain available through September 30, 2006, for evalua-
18 tion, technical assistance, school networking, peer review
19 of applications, and program outreach activities, and of
20 which not less than 95 percent shall become available on
21 July 1, 2005, and remain available through September 30,
22 2006, for grants to local educational agencies: *Provided*
23 *further*, That funds made available to local education agen-
24 cies under this subpart shall be used only for activities

1 related to establishing smaller learning communities in
2 high schools.

3 STUDENT FINANCIAL ASSISTANCE

4 For carrying out subparts 1, 3 and 4 of part A, part
5 C and part E of title IV of the Higher Education Act of
6 1965, as amended, \$14,755,794,000, which shall remain
7 available through September 30, 2006.

8 The maximum Pell Grant for which a student shall
9 be eligible during award year 2005–2006 shall be \$4,050.

10 STUDENT AID ADMINISTRATION

11 For Federal administrative expenses (in addition to
12 funds made available under section 458), to carry out part
13 D of title I, and subparts 1, 3, and 4 of part A, and parts
14 B, C, D and E of title IV of the Higher Education Act
15 of 1965, as amended, \$120,247,000.

16 HIGHER EDUCATION

17 For carrying out, to the extent not otherwise pro-
18 vided, section 121 and titles II, III, IV, V, VI, and VII
19 of the Higher Education Act of 1965 (“HEA”), as amend-
20 ed, section 1543 of the Higher Education Amendments
21 of 1992, the Mutual Educational and Cultural Exchange
22 Act of 1961, and section 117 of the Carl D. Perkins Voca-
23 tional and Technical Education Act, \$1,976,056,000, of
24 which \$1,500,000 for interest subsidies authorized by sec-
25 tion 121 of the HEA shall remain available until ex-

1 pended: *Provided*, That \$9,876,000, to remain available
2 through September 30, 2006, shall be available to fund
3 fellowships for academic year 2006–2007 under part A,
4 subpart 1 of title VII of said Act, under the terms and
5 conditions of part A, subpart 1: *Provided further*, That
6 \$988,000 is for data collection and evaluation activities
7 for programs under the HEA, including such activities
8 needed to comply with the Government Performance and
9 Results Act of 1993: *Provided further*, That notwith-
10 standing any other provision of law, funds made available
11 in this Act to carry out title VI of the HEA and section
12 102(b)(6) of the Mutual Educational and Cultural Ex-
13 change Act of 1961 may be used to support visits and
14 study in foreign countries by individuals who are partici-
15 pating in advanced foreign language training and inter-
16 national studies in areas that are vital to United States
17 national security and who plan to apply their language
18 skills and knowledge of these countries in the fields of gov-
19 ernment, the professions, or international development:
20 *Provided further*, That up to one percent of the funds re-
21 ferred to in the preceding proviso may be used for pro-
22 gram evaluation, national outreach, and information dis-
23 semination activities.

1 INSTITUTE OF EDUCATION SCIENCES

2 For carrying out activities authorized by Public Law
3 107–279 and section 672 of the Individuals with Disabil-
4 ities Education Act, \$526,804,000: *Provided*, That, of the
5 amount appropriated, \$195,518,000 shall be available for
6 obligation through September 30, 2006.

7 DEPARTMENTAL MANAGEMENT

8 PROGRAM ADMINISTRATION

9 For carrying out, to the extent not otherwise pro-
10 vided, the Department of Education Organization Act, in-
11 cluding rental of conference rooms in the District of Co-
12 lumbia and hire of three passenger motor vehicles,
13 \$421,055,000.

14 OFFICE FOR CIVIL RIGHTS

15 For expenses necessary for the Office for Civil
16 Rights, as authorized by section 203 of the Department
17 of Education Organization Act, \$90,248,000.

18 OFFICE OF THE INSPECTOR GENERAL

19 For expenses necessary for the Office of the Inspector
20 General, as authorized by section 212 of the Department
21 of Education Organization Act, \$47,790,000.

22 GENERAL PROVISIONS

23 SEC. 301. No funds appropriated in this Act may be
24 used for the transportation of students or teachers (or for
25 the purchase of equipment for such transportation) in

1 which are appropriated for the Department of Education
2 in this Act may be transferred between appropriations, but
3 no such appropriation shall be increased by more than 3
4 percent by any such transfer: *Provided*, That the Appro-
5 priations Committees of both Houses of Congress are noti-
6 fied at least 15 days in advance of any transfer.

7 SEC. 305. Section 8002(m) of the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C. 7702(m))
9 is amended by striking “5 years” each place it appears
10 and inserting “7 years”.

11 SEC. 306. None of the funds appropriated by this Act
12 shall be available to the Secretary of Education—

13 (1) to enforce any change or clarification of De-
14 partment of Education policy with respect to the
15 Federal Family Education Loan Program Consolida-
16 tion loans for borrowers with both FFEL and non-
17 FFEL loans, as provided for in a dear colleague let-
18 ter of the Secretary’s dated April 29, 2004; or

19 (2) to issue letters regarding loan verification
20 certificates to providers of Federal Family Edu-
21 cation Loan requesting information regarding Wil-
22 liam D. Ford Direct Student Loans, including Di-
23 rect Stafford, PLUS, and Consolidation Loans, that
24 state either of the following:

1 (A) We cannot approve the certification
2 form (s). The borrower has Direct Loans.

3 (B) We cannot approve the certification
4 form (s). The borrower has a Direct Consolida-
5 tion Loan and has no other loans.

6 This title may be cited as the “Department of Edu-
7 cation Appropriations Act, 2005”.

8 TITLE IV—RELATED AGENCIES

9 ARMED FORCES RETIREMENT HOME

10 For expenses necessary for the Armed Forces Retire-
11 ment Home to operate and maintain the Armed Forces
12 Retirement Home—Washington and the Armed Forces
13 Retirement Home—Gulfport, to be paid from funds avail-
14 able in the Armed Forces Retirement Home Trust Fund,
15 \$61,195,000, of which \$4,000,000 shall remain available
16 until expended for construction and renovation of the
17 physical plants at the Armed Forces Retirement Home—
18 Washington and the Armed Forces Retirement Home—
19 Gulfport.

20 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

21 BLIND OR SEVERELY DISABLED

22 For expenses necessary of the Committee for Pur-
23 chase From People Who Are Blind or Severely Disabled
24 established by Public Law 92–28, \$4,672,000.

1 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
2 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING
3 EXPENSES

4 For expenses necessary for the Corporation for Na-
5 tional and Community Service to carry out the provisions
6 of the Domestic Volunteer Service Act of 1973, as amend-
7 ed, \$353,197,000: *Provided*, That none of the funds made
8 available to the Corporation for National and Community
9 Service in this Act for activities authorized by section 122
10 of part C of title I and part E of title II of the Domestic
11 Volunteer Service Act of 1973 shall be used to provide
12 stipends or other monetary incentives to volunteers or vol-
13 unteer leaders whose incomes exceed 125 percent of the
14 national poverty level.

15 CORPORATION FOR PUBLIC BROADCASTING

16 For payment to the Corporation for Public Broad-
17 casting, as authorized by the Communications Act of
18 1934, an amount which shall be available within limita-
19 tions specified by that Act, for the fiscal year 2007,
20 \$400,000,000: *Provided*, That no funds made available to
21 the Corporation for Public Broadcasting by this Act shall
22 be used to pay for receptions, parties, or similar forms
23 of entertainment for Government officials or employees:
24 *Provided further*, That none of the funds contained in this
25 paragraph shall be available or used to aid or support any

1 agement Cooperation Act of 1978 (29 U.S.C. 175a); and
2 for expenses necessary for the Service to carry out the
3 functions vested in it by the Civil Service Reform Act,
4 Public Law 95–454 (5 U.S.C. ch. 71), \$43,964,000, in-
5 cluding \$1,500,000, to remain available through Sep-
6 tember 30, 2006, for activities authorized by the Labor-
7 Management Cooperation Act of 1978 (29 U.S.C. 175a):
8 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
9 charged, up to full-cost recovery, for special training ac-
10 tivities and other conflict resolution services and technical
11 assistance, including those provided to foreign govern-
12 ments and international organizations, and for arbitration
13 services shall be credited to and merged with this account,
14 and shall remain available until expended: *Provided fur-*
15 *ther*, That fees for arbitration services shall be available
16 only for education, training, and professional development
17 of the agency workforce: *Provided further*, That the Direc-
18 tor of the Service is authorized to accept and use on behalf
19 of the United States gifts of services and real, personal,
20 or other property in the aid of any projects or functions
21 within the Director’s jurisdiction.

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety
5 and Health Review Commission (30 U.S.C. 801 et seq.),
6 \$7,813,000.

7 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

8 For carrying out the Museum and Library Services
9 Act of 1996, \$261,743,000, to remain available until ex-
10 pended.

11 MEDICARE PAYMENT ADVISORY COMMISSION

12 SALARIES AND EXPENSES

13 For expenses necessary to carry out section 1805 of
14 the Social Security Act, \$9,905,000, to be transferred to
15 this appropriation from the Federal Hospital Insurance
16 and the Federal Supplementary Medical Insurance Trust
17 Funds.

18 NATIONAL COMMISSION ON LIBRARIES AND

19 INFORMATION SCIENCE

20 SALARIES AND EXPENSES

21 For necessary expenses for the National Commission
22 on Libraries and Information Science, established by the
23 Act of July 20, 1970 (Public Law 91-345, as amended),
24 \$1,000,000.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on
4 Disability as authorized by title IV of the Rehabilitation
5 Act of 1973, as amended, \$2,873,000.

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act, 1947, as amended (29
11 U.S.C. 141–167), and other laws, \$248,785,000: *Pro-*
12 *vided*, That no part of this appropriation shall be available
13 to organize or assist in organizing agricultural laborers or
14 used in connection with investigations, hearings, direc-
15 tives, or orders concerning bargaining units composed of
16 agricultural laborers as referred to in section 2(3) of the
17 Act of July 5, 1935 (29 U.S.C. 152), and as amended
18 by the Labor-Management Relations Act, 1947, as amend-
19 ed, and as defined in section 3(f) of the Act of June 25,
20 1938 (29 U.S.C. 203), and including in said definition em-
21 ployees engaged in the maintenance and operation of
22 ditches, canals, reservoirs, and waterways when main-
23 tained or operated on a mutual, nonprofit basis and at
24 least 95 percent of the water stored or supplied thereby
25 is used for farming purposes.

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions
4 of the Railway Labor Act, as amended (45 U.S.C. 151–
5 188), including emergency boards appointed by the Presi-
6 dent, \$11,635,000.

7 OCCUPATIONAL SAFETY AND HEALTH REVIEW

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary for the Occupational Safety
11 and Health Review Commission (29 U.S.C. 661),
12 \$10,516,000.

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Ac-
16 count, authorized under section 15(d) of the Railroad Re-
17 tirement Act of 1974, \$108,000,000, which shall include
18 amounts becoming available in fiscal year 2005 pursuant
19 to section 224(e)(1)(B) of Public Law 98–76; and in addi-
20 tion, an amount, not to exceed 2 percent of the amount
21 provided herein, shall be available proportional to the
22 amount by which the product of recipients and the average
23 benefit received exceeds \$108,000,000: *Provided*, That the
24 total amount provided herein shall be credited in 12 ap-

1 proximately equal amounts on the first day of each month
2 in the fiscal year.

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT
4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$150,000, to remain available through September
9 30, 2006, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98–
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement
14 Board for administration of the Railroad Retirement Act
15 and the Railroad Unemployment Insurance Act,
16 \$102,202,000, to be derived in such amounts as deter-
17 mined by the Board from the railroad retirement accounts
18 and from moneys credited to the railroad unemployment
19 insurance administration fund.

20 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
22 General for audit, investigatory and review activities, as
23 authorized by the Inspector General Act of 1978, as
24 amended, not more than \$6,561,000, to be derived from
25 the railroad retirement accounts and railroad unemploy-

1 ment insurance account: *Provided*, That none of the funds
2 made available in any other paragraph of this Act may
3 be transferred to the Office; used to carry out any such
4 transfer; used to provide any office space, equipment, of-
5 fice supplies, communications facilities or services, mainte-
6 nance services, or administrative services for the Office;
7 used to pay any salary, benefit, or award for any personnel
8 of the Office; used to pay any other operating expense of
9 the Office; or used to reimburse the Office for any service
10 provided, or expense incurred, by the Office.

11 SOCIAL SECURITY ADMINISTRATION

12 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

13 For payment to the Federal Old-Age and Survivors
14 Insurance and the Federal Disability Insurance trust
15 funds, as provided under sections 201(m), 228(g), and
16 1131(b)(2) of the Social Security Act, \$20,454,000.

17 SUPPLEMENTAL SECURITY INCOME PROGRAM

18 For carrying out titles XI and XVI of the Social Se-
19 curity Act, section 401 of Public Law 92–603, section 212
20 of Public Law 93–66, as amended, and section 405 of
21 Public Law 95–216, including payment to the Social Secu-
22 rity trust funds for administrative expenses incurred pur-
23 suant to section 201(g)(1) of the Social Security Act,
24 \$28,578,829,000, to remain available until expended: *Pro-*
25 *vided*, That any portion of the funds provided to a State

1 in the current fiscal year and not obligated by the State
2 during that year shall be returned to the Treasury.

3 For making, after June 15 of the current fiscal year,
4 benefit payments to individuals under title XVI of the So-
5 cial Security Act, for unanticipated costs incurred for the
6 current fiscal year, such sums as may be necessary.

7 For making benefit payments under title XVI of the
8 Social Security Act for the first quarter of fiscal year
9 2006, \$10,930,000,000, to remain available until ex-
10 pended.

11 LIMITATION ON ADMINISTRATIVE EXPENSES

12 For necessary expenses, including the hire of two pas-
13 senger motor vehicles, and not to exceed \$15,000 for offi-
14 cial reception and representation expenses, not more than
15 \$8,674,100,000 may be expended, as authorized by sec-
16 tion 201(g)(1) of the Social Security Act, from any one
17 or all of the trust funds referred to therein: *Provided*, That
18 not less than \$2,000,000 shall be for the Social Security
19 Advisory Board: *Provided further*, That unobligated bal-
20 ances of funds provided under this paragraph at the end
21 of fiscal year 2005 not needed for fiscal year 2005 shall
22 remain available until expended to invest in the Social Se-
23 curity Administration information technology and tele-
24 communications hardware and software infrastructure, in-
25 cluding related equipment and non-payroll administrative
26 expenses associated solely with this information technology

1 and telecommunications infrastructure: *Provided further*,
2 That reimbursement to the trust funds under this heading
3 for expenditures for official time for employees of the So-
4 cial Security Administration pursuant to section 7131 of
5 title 5, United States Code, and for facilities or support
6 services for labor organizations pursuant to policies, regu-
7 lations, or procedures referred to in section 7135(b) of
8 such title shall be made by the Secretary of the Treasury,
9 with interest, from amounts in the general fund not other-
10 wise appropriated, as soon as possible after such expendi-
11 tures are made.

12 In addition, \$124,000,000 to be derived from admin-
13 istration fees in excess of \$5.00 per supplementary pay-
14 ment collected pursuant to section 1616(d) of the Social
15 Security Act or section 212(b)(3) of Public Law 93-66,
16 which shall remain available until expended. To the extent
17 that the amounts collected pursuant to such section
18 1616(d) or 212(b)(3) in fiscal year 2005 exceed
19 \$124,000,000, the amounts shall be available in fiscal year
20 2006 only to the extent provided in advance in appropria-
21 tions Acts.

22 From funds previously appropriated for Federal-
23 State partnerships, any unobligated balances at the end
24 of fiscal year 2004 shall be transferred to the Supple-
25 mental Security Income Program and remain available

1 until expended to promote Medicare buy-in programs tar-
2 geted to elderly and disabled individuals under titles
3 XVIII and XIX of the Social Security Act.

4 OFFICE OF INSPECTOR GENERAL
5 (INCLUDING TRANSFER OF FUNDS)

6 For expenses necessary for the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, as amended, \$25,748,000, together
9 with not to exceed \$65,359,000, to be transferred and ex-
10 pended as authorized by section 201(g)(1) of the Social
11 Security Act from the Federal Old-Age and Survivors In-
12 surance Trust Fund and the Federal Disability Insurance
13 Trust Fund.

14 In addition, an amount not to exceed 3 percent of
15 the total provided in this appropriation may be transferred
16 from the “Limitation on Administrative Expenses”, Social
17 Security Administration, to be merged with this account,
18 to be available for the time and purposes for which this
19 account is available: *Provided*, That notice of such trans-
20 fers shall be transmitted promptly to the Committees on
21 Appropriations of the House and Senate.

22 TITLE V—GENERAL PROVISIONS

23 SEC. 501. The Secretaries of Labor, Health and
24 Human Services, and Education are authorized to transfer
25 unexpended balances of prior appropriations to accounts
26 corresponding to current appropriations provided in this

1 Act: *Provided*, That such transferred balances are used for
2 the same purpose, and for the same periods of time, for
3 which they were originally appropriated.

4 SEC. 502. No part of any appropriation contained in
5 this Act shall remain available for obligation beyond the
6 current fiscal year unless expressly so provided herein.

7 SEC. 503. (a) No part of any appropriation contained
8 in this Act shall be used, other than for normal and recog-
9 nized executive-legislative relationships, for publicity or
10 propaganda purposes, for the preparation, distribution, or
11 use of any kit, pamphlet, booklet, publication, radio, tele-
12 vision, or video presentation designed to support or defeat
13 legislation pending before the Congress or any State legis-
14 lature, except in presentation to the Congress or any State
15 legislature itself.

16 (b) No part of any appropriation contained in this
17 Act shall be used to pay the salary or expenses of any
18 grant or contract recipient, or agent acting for such recipi-
19 ent, related to any activity designed to influence legislation
20 or appropriations pending before the Congress or any
21 State legislature.

22 SEC. 504. The Secretaries of Labor and Education
23 are authorized to make available not to exceed \$28,000
24 and \$20,000, respectively, from funds available for sala-
25 ries and expenses under titles I and III, respectively, for

1 official reception and representation expenses; the Direc-
2 tor of the Federal Mediation and Conciliation Service is
3 authorized to make available for official reception and rep-
4 resentation expenses not to exceed \$5,000 from the funds
5 available for “Salaries and expenses, Federal Mediation
6 and Conciliation Service”; and the Chairman of the Na-
7 tional Mediation Board is authorized to make available for
8 official reception and representation expenses not to ex-
9 ceed \$5,000 from funds available for “Salaries and ex-
10 penses, National Mediation Board”.

11 SEC. 505. Notwithstanding any other provision of
12 this Act, no funds appropriated under this Act shall be
13 used to carry out any program of distributing sterile nee-
14 dles or syringes for the hypodermic injection of any illegal
15 drug.

16 SEC. 506. (a) It is the sense of the Congress that,
17 to the greatest extent practicable, all equipment and prod-
18 ucts purchased with funds made available in this Act
19 should be American-made.

20 (b) In providing financial assistance to, or entering
21 into any contract with, any entity using funds made avail-
22 able in this Act, the head of each Federal agency, to the
23 greatest extent practicable, shall provide to such entity a
24 notice describing the statement made in subsection (a) by
25 the Congress.

1 (c) If it has been finally determined by a court or
2 Federal agency that any person intentionally affixed a
3 label bearing a “Made in America” inscription, or any in-
4 scription with the same meaning, to any product sold in
5 or shipped to the United States that is not made in the
6 United States, the person shall be ineligible to receive any
7 contract or subcontract made with funds made available
8 in this Act, pursuant to the debarment, suspension, and
9 ineligibility procedures described in sections 9.400 through
10 9.409 of title 48, Code of Federal Regulations.

11 SEC. 507. When issuing statements, press releases,
12 requests for proposals, bid solicitations and other docu-
13 ments describing projects or programs funded in whole or
14 in part with Federal money, all grantees receiving Federal
15 funds included in this Act, including but not limited to
16 State and local governments and recipients of Federal re-
17 search grants, shall clearly state—

18 (1) the percentage of the total costs of the pro-
19 gram or project which will be financed with Federal
20 money;

21 (2) the dollar amount of Federal funds for the
22 project or program; and

23 (3) percentage and dollar amount of the total
24 costs of the project or program that will be financed
25 by non-governmental sources.

1 SEC. 508. (a) None of the funds appropriated under
2 this Act, and none of the funds in any trust fund to which
3 funds are appropriated under this Act, shall be expended
4 for any abortion.

5 (b) None of the funds appropriated under this Act,
6 and none of the funds in any trust fund to which funds
7 are appropriated under this Act, shall be expended for
8 health benefits coverage that includes coverage of abor-
9 tion.

10 (c) The term “health benefits coverage” means the
11 package of services covered by a managed care provider
12 or organization pursuant to a contract or other arrange-
13 ment.

14 SEC. 509. (a) The limitations established in the pre-
15 ceding section shall not apply to an abortion—

16 (1) if the pregnancy is the result of an act of
17 rape or incest; or

18 (2) in the case where a woman suffers from a
19 physical disorder, physical injury, or physical illness,
20 including a life-endangering physical condition
21 caused by or arising from the pregnancy itself, that
22 would, as certified by a physician, place the woman
23 in danger of death unless an abortion is performed.

24 (b) Nothing in the preceding section shall be con-
25 strued as prohibiting the expenditure by a State, locality,

1 entity, or private person of State, local, or private funds
2 (other than a State’s or locality’s contribution of Medicaid
3 matching funds).

4 (c) Nothing in the preceding section shall be con-
5 strued as restricting the ability of any managed care pro-
6 vider from offering abortion coverage or the ability of a
7 State or locality to contract separately with such a pro-
8 vider for such coverage with State funds (other than a
9 State’s or locality’s contribution of Medicaid matching
10 funds).

11 (d)(1) None of the funds made available in this Act
12 may be made available to a Federal agency or program,
13 or to a State or local government, if such agency, program,
14 or government subjects any institutional or individual
15 health care entity to discrimination on the basis that the
16 health care entity does not provide, pay for, provide cov-
17 erage of, or refer for abortions.

18 (2) In this subsection, the term “health care entity”
19 includes an individual physician or other health care pro-
20 fessional, a hospital, a provider-sponsored organization, a
21 health maintenance organization, a health insurance plan,
22 or any other kind of health care facility, organization, or
23 plan.

24 SEC. 510. (a) None of the funds made available in
25 this Act may be used for—

1 (1) the creation of a human embryo or embryos
2 for research purposes; or

3 (2) research in which a human embryo or em-
4 bryos are destroyed, discarded, or knowingly sub-
5 jected to risk of injury or death greater than that
6 allowed for research on fetuses in utero under 45
7 CFR 46.208(a)(2) and section 498(b) of the Public
8 Health Service Act (42 U.S.C. 289g(b)).

9 (b) For purposes of this section, the term “human
10 embryo or embryos” includes any organism, not protected
11 as a human subject under 45 CFR 46 as of the date of
12 the enactment of this Act, that is derived by fertilization,
13 parthenogenesis, cloning, or any other means from one or
14 more human gametes or human diploid cells.

15 SEC. 511. (a) None of the funds made available in
16 this Act may be used for any activity that promotes the
17 legalization of any drug or other substance included in
18 schedule I of the schedules of controlled substances estab-
19 lished by section 202 of the Controlled Substances Act (21
20 U.S.C. 812).

21 (b) The limitation in subsection (a) shall not apply
22 when there is significant medical evidence of a therapeutic
23 advantage to the use of such drug or other substance or
24 that federally sponsored clinical trials are being conducted
25 to determine therapeutic advantage.

1 SEC. 512. None of the funds made available in this
2 Act may be obligated or expended to enter into or renew
3 a contract with an entity if—

4 (1) such entity is otherwise a contractor with
5 the United States and is subject to the requirement
6 in section 4212(d) of title 38, United States Code,
7 regarding submission of an annual report to the Sec-
8 retary of Labor concerning employment of certain
9 veterans; and

10 (2) such entity has not submitted a report as
11 required by that section for the most recent year for
12 which such requirement was applicable to such enti-
13 ty.

14 SEC. 513. None of the funds made available in this
15 Act may be used to promulgate or adopt any final stand-
16 ard under section 1173(b) of the Social Security Act (42
17 U.S.C. 1320d–2(b)) providing for, or providing for the as-
18 signment of, a unique health identifier for an individual
19 (except in an individual’s capacity as an employer or a
20 health care provider), until legislation is enacted specifi-
21 cally approving the standard.

22 SEC. 514. None of the funds made available in this
23 Act may be transferred to any department, agency, or in-
24 strumentality of the United States Government, except

1 pursuant to a transfer made by, or transfer authority pro-
2 vided in, this Act or any other appropriation Act.

3 SEC. 515. None of the funds made available by this
4 Act to carry out the Library Services and Technology Act
5 may be made available to any library covered by para-
6 graph (1) of section 224(f) of such Act (20 U.S.C.
7 9134(f)), as amended by the Children’s Internet Protec-
8 tions Act, unless such library has made the certifications
9 required by paragraph (4) of such section.

10 SEC. 516. None of the funds made available by this
11 Act to carry out part D of title II of the Elementary and
12 Secondary Education Act of 1965 may be made available
13 to any elementary or secondary school covered by para-
14 graph (1) of section 2441(a) of such Act (20 U.S.C.
15 6777(a)), as amended by the Children’s Internet Protec-
16 tions Act and the No Child Left Behind Act, unless the
17 local educational agency with responsibility for such cov-
18 ered school has made the certifications required by para-
19 graph (2) of such section.

20 SEC. 517. None of the funds appropriated in this Act
21 may be used to enter into an arrangement under section
22 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C.
23 231f(b)(4)) with a nongovernmental financial institution
24 to serve as disbursing agent for benefits payable under
25 the Railroad Retirement Act of 1974.

1 SEC. 518. (a) None of the funds provided under this
2 Act, or provided under previous appropriations Acts to the
3 agencies funded by this Act that remain available for obli-
4 gation or expenditure in fiscal year 2005, or provided from
5 any accounts in the Treasury of the United States derived
6 by the collection of fees available to the agencies funded
7 by this Act, shall be available for obligation or expenditure
8 through a reprogramming of funds that—

9 (1) creates new programs;

10 (2) eliminates a program, project, or activity;

11 (3) increases funds or personnel by any means
12 for any project or activity for which funds have been
13 denied or restricted;

14 (4) relocates an office or employees;

15 (5) reorganizes or renames offices;

16 (6) reorganizes programs or activities; or

17 (7) contracts out or privatizes any functions or
18 activities presently performed by Federal employees;
19 unless the Appropriations Committees of both
20 Houses of Congress are notified 15 days in advance
21 of such reprogramming of funds.

22 (b) None of the funds provided under this Act, or
23 provided under previous appropriations Acts to the agen-
24 cies funded by this Act that remain available for obligation
25 or expenditure in fiscal year 2005, or provided from any

1 accounts in the Treasury of the United States derived by
2 the collection of fees available to the agencies funded by
3 this Act, shall be available for obligation or expenditure
4 through a reprogramming of funds in excess of \$500,000
5 or 10 percent, whichever is less, that—

6 (1) augments existing programs, projects (in-
7 cluding construction projects), or activities;

8 (2) reduces by 10 percent funding for any exist-
9 ing program, project, or activity, or numbers of per-
10 sonnel by 10 percent as approved by Congress; or

11 (3) results from any general savings from a re-
12 duction in personnel which would result in a change
13 in existing programs, activities, or projects as ap-
14 proved by Congress; unless the Appropriations Com-
15 mittees of both Houses of Congress are notified 15
16 days in advance of such reprogramming of funds.

17 This Act may be cited as the “Departments of Labor,
18 Health and Human Services, and Education, and Related
19 Agencies Appropriations Act, 2005”.

[FULL COMMITTEE PRINT]

Union Calendar No. 380

108TH CONGRESS
2^D SESSION

H. R. 5006

[Report No. 108-636]

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

SEPTEMBER 7, 2004

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed